



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

AGENDA

20th Meeting, 2018 (Session 5)

Tuesday 26 June 2018

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Decision on taking business in private:** The Committee will decide whether to take item 6 in private.
2. **Professional legal education:** The Committee will take evidence, in round-table format, from—

Tim Haddow, Advocate, Former Co-ordinator, Campaign for Fair Access to the Legal Profession;

Lord Eassie, Convenor, Joint Standing Committee for Legal Education in Scotland;

Rob Marrs, Head of Education, Law Society of Scotland;

Julie Brannan, Director of Education and Training, Solicitors Regulation Authority;

Elizabeth Comerford, Director of Diploma in Professional Legal Practice, University of Dundee.

3. **Professional legal education - witness expenses:** The Committee will be invited to delegate to the Convener responsibility for arranging for the SPCB to pay, under Rule 12.4.3, any expenses of witnesses in the evidence session on professional legal education.
4. **Subordinate legislation:** The Committee will consider the following negative instrument—

Act of Sederunt (Fees of Solicitors in the Court of Session, Sheriff Appeal Court and Sheriff Court) (Amendment) 2018 (SSI 2018/186).

5. **Justice Sub-Committee on Policing:** The Committee will consider a report back from the Sub-Committee meeting held on 21 June 2018.

6. **Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill:** The Committee will consider its approach to the scrutiny of the Bill at Stage 1.
7. **Management of Offenders (Scotland) Bill (in private):** The Committee will further consider a draft Stage 1 report.

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The papers for this meeting are as follows—

Agenda item 2

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| Paper by the clerk - professional legal education | J/S5/18/20/1 |
| Private paper - professional legal education | J/S5/18/20/2 (P) |

[Written submission from Tim Haddow](#)

[Written submission from the Law Society of Scotland](#)

[Written submission from the Solicitors Regulation Authority](#)

[Written submission from Elizabeth Comerford](#)

Agenda item 4

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| Paper by the clerk - SSI 2018-186 | J/S5/18/20/3 |
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Agenda item 5

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| Paper by the clerk - Justice Sub-Committee on Policing | J/S5/18/20/4 |
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Agenda item 6

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| Private paper - Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill | J/S5/18/20/5 (P) |
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[Vulnerable Witnesses \(Criminal Evidence\) \(Scotland\) Bill and accompanying documents](#)

Agenda item 7

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| Private paper - Management of Offenders (Scotland) Bill | J/S5/18/20/6 (P) |
| Private paper - SPICe Briefing | J/S5/18/20/7 (P) |

Justice Committee
20th Meeting, 2018 (Session 5), Tuesday 26 June 2018
Professional legal education
Note by the clerk

Introduction

1. At its meeting on 27 March 2018, the Justice Committee agreed to hold a round-table evidence session on professional legal education.
2. This is the Committee's first consideration of this topic. The round-table evidence session is an opportunity to explore issues relating to legal education including: routes to qualifying as a solicitor and advocate and available funding; barriers to entry to the profession; and potential options for change to improve access to the profession.

Justice Committee consideration

3. At its meeting on 26 June 2018, the Committee will take evidence, in round-table format from: Tim Haddow, Former Co-ordinator, Campaign for Fair Access to the Legal Profession; Lord Eassie, Convenor, Joint Standing Committee for Legal Education in Scotland; Rob Marrs, Head of Education, Law Society of Scotland; Julie Brannan, Director of Education and Training, Solicitors Regulation Authority; and Elizabeth Comerford, Director of Diploma in Professional Legal Practice, University of Dundee.
4. Written submissions have been received from Tim Haddow, the Law Society of Scotland, the Solicitors Regulation Authority, and Elizabeth Comerford. All written submissions received are published on our [webpage](#).

Justice Committee

20th Meeting, 2018 (Session 5), Tuesday 26 June 2018

Subordinate legislation

Note by the clerk

Purpose

1. This paper invites the Committee to consider the following negative instrument:
 - [Act of Sederunt \(Fees of Solicitors in the Court of Session, Sheriff Appeal Court and Sheriff Court\) \(Amendment\) 2018 \(SSI 2018/186\) \[see page 2\];](#)
2. If the Committee agrees to report to the Parliament on the instrument it is required to do so by 17 September 2018.

Procedure for negative instruments

3. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. This means they become law unless they are annulled by the Parliament. 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).
4. 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.
5. 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.
6. 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. Members should however note that, for scheduling reasons, it is not *always* possible to continue an instrument to the following week. For this reason, if any Member has significant concerns about a negative instrument, they are encouraged to make this known to the clerks in advance of the meeting.
7. In many cases, the Committee may be content simply to note the instrument and agree to make no recommendations on it.

Guidance on subordinate legislation

8. 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/delegated-powers-committee.aspx>

Recommendation

9. **The Committee is invited to consider the instrument.**

ACT OF SEDERUNT (FEES OF SOLICITORS IN THE COURT OF SESSION, SHERIFF APPEAL COURT AND SHERIFF COURT) (AMENDMENT) 2018 (SSI 2018/186)

Introduction

10. The instrument is made under sections 103(1), 105(1) and 106(1) of the Courts Reform (Scotland) Act 2014(b).

11. The instrument amends the fees that are prescribed in the tables of solicitors' fees in the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993, in the Rules of the Court of Session 1994, and in the Act of Sederunt (Fees of Solicitors in the Sheriff Appeal Court) 2015. The tables regulate the fees that can be recovered under an award of expenses in respect of work carried out by a party's solicitor in civil proceedings in the Court of Session, Sheriff Appeal Court and sheriff court. The amended fees have effect in respect of work carried out on or after 24 September 2018.

12. The instrument provides for a 5% increase in fees across the board. It does not make any other changes to the tables of fees. The level of increase was recommended by the Costs and Funding Committee of the Scottish Civil Justice Council following consultation.

13. The instrument comes into force on 24 September 2018.

DELEGATED POWERS AND LAW REFORM COMMITTEE CONSIDERATION

14. The Delegated Powers and Law Reform Committee (DPLRC) considered this instrument at its meeting on 19 June 2018 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

JUSTICE COMMITTEE CONSIDERATION

15. If the Committee agrees to report to the Parliament on this instrument, it is required to do so by 17 September 2018.

Justice Committee

20th Meeting, 2018 (Session 5), Tuesday 26 June 2018

Feedback from the Justice Sub-Committee on Policing

Note by the clerk

1. The Justice Sub-Committee on Policing met on 21 June 2018 when it took evidence on Police Scotland's digital, data and ICT strategy and took further evidence on Police Scotland's use of digital device triage systems (cyber kiosks).
2. The Sub-Committee took evidence from Kenneth Hogg, Interim Chief Officer at the Scottish Police Authority, David Page, Deputy Chief Officer, Martin Low, Acting Director of ICT, James Gray, Chief Financial Officer and Detective Chief Superintendent Gerry Mclean, Head of Organised Crime and Counter Terrorism, from Police Scotland.
3. Police Scotland confirmed that the ICT strategy is much bigger than the previous i6 programme in terms of scale and investment.
4. The Sub-Committee heard that Police Scotland is to undertake detailed planning over the next three months to inform an outline business case for the Scottish Police Authority Board to consider in the autumn. The outline business case is to provide greater clarity on the expected costs of the ICT strategy. Police Scotland confirmed that the outline business case will be informed by engagement with police unions and staff associations.
5. The Sub-Committee raised concerns about the scrutiny undertaken before investing in cyber kiosks, with a view to introducing their use throughout Scotland. This included concerns about the lack of analysis of the two trials previously undertaken, the lack of impact assessments undertaken before the trials or as part of the consideration to expand the use of cyber kiosks, and the financial scrutiny prior to awarding the contract for 41 kiosks.
6. The Sub-Committee was reassured to hear that privacy impact and data assessments will be undertaken prior to the use of cyber kiosks across Scotland and looks forward to seeing the detail of these assessments.
7. The Sub-Committee also considered its forward work programme and agreed to next meet on 13 September.