



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

AGENDA

21st Meeting, 2018 (Session 5)

Thursday 6 September 2018

The Committee will meet at 1.00 pm in the David Livingstone Room (CR6).

1. **The impact of Brexit on the civil and criminal justice systems and policing in Scotland:** The Committee will take evidence from—

Rt Hon David Mundell MP, Secretary of State for Scotland,
UK Government.

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Clerk to the Justice Committee
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The Scottish Parliament
Edinburgh
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The papers for this meeting are as follows—

Agenda item 1

Paper by the clerk - Brexit

J/S5/18/21/1

Private paper - Brexit

J/S5/18/21/2 (P)

[Written submissions received on Brexit](#)

Justice Committee

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Brexit and Justice Matters

Note by the clerk

1. Following the EU Referendum of June 2016 and the subsequent triggering of Article 50 of the Treaty on the Functioning of the EU, the UK Government and the EU have been conducting negotiations focusing on agreeing the terms of the UK's exit from the EU. To date, most attention has been given to the issues of citizens' rights, the financial settlement and the island of Ireland. Justice, home affairs and security matters have, however, also been discussed as part of this process.
2. At the EU level, the European Council adopted guidelines on the framework for post-Brexit relations with the UK on 23 March 2018. The six-page paper outlines the EU's priorities for the future relationship based on the UK Government's decision that the UK will leave the Single Market and the Customs Union.
3. On Freedom, Security and Justice, the guidelines state that future cooperation should include the fight against terrorism and international crime along with security. In relation to civil justice and the future partnership, the guidelines state:

“In this context, options for judicial cooperation in matrimonial, parental responsibility and other related matters could be explored, taking into account that the UK will be a third country outside Schengen and that such cooperation would require strong safeguards to ensure full respect of fundamental rights.”
4. On criminal justice, the guidelines state:

“Law enforcement and judicial cooperation in criminal matters should constitute an important element of the future EU-UK relationship in the light of the geographic proximity and shared threats faced by the Union and the UK, taking into account that the UK will be a third country outside Schengen. The future partnership should cover effective exchanges of information, support for operational cooperation between law enforcement authorities and judicial cooperation in criminal matters. Strong safeguards will need to be established that ensure full respect of fundamental rights and effective enforcement and dispute settlement mechanisms”
5. The Scottish Government has set out its views on Brexit and Security, Judicial Co-operation and Law Enforcement in a [paper](#) published in June 2018. The UK Government has set out some of its views on the future relationship with the EU after Brexit in a [Policy \(White\) Paper](#) published in July 2018 (see pages 54-63).

6. As part of its ongoing work on Brexit, the Committee will take evidence from Rt Hon David Mundell MP, Secretary of State for Scotland in the UK Government. This meeting will provide an update on justice/Brexit matters as they related to Scotland. The meeting will be followed by a subsequent evidence session with the Scottish Government's Cabinet Secretary for Justice and the Lord Advocate (on 11 September).