



The Scottish Parliament  
Pàrlamaid na h-Alba

## JUSTICE COMMITTEE

### AGENDA

25th Meeting, 2020 (Session 5)

Tuesday 27 October 2020

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

1. **Hate Crime and Public Order (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Humza Yousaf, Cabinet Secretary for Justice, Bill Brash, Bill Team Leader, Philip Lamont, Head of Criminal Law, Practice and Licensing Unit, Jo Gillies, Head of Connected Communities Unit, Rachael Wilson, Cohesive Communities Team Leader, Clare McKinlay, Solicitor, Scottish Government Legal Directorate, Criminal Justice, Police and Fire Division, and Patrick Down, Policy Officer, Criminal Law, Practice and Licensing Unit, Scottish Government;

and then from—

Rt. Hon. The Lord Bracadale QC, Chair of the Independent Review of Hate Crime Legislation in Scotland.

2. **European Union (Withdrawal) Act 2018:** The Committee will consider a proposal by the Scottish Government to consent to the UK Government legislating using the powers under the Act in relation to the following UK statutory instrument proposals—

The Jurisdiction, Judgments and Applicable Law (Amendment) (EU Exit) Regulations 2020

3. **Justice Sub-Committee on Policing:** The Committee will consider a report back from the Sub-Committee meetings held on 17 September 2020 and 5 October 2020.
4. **Hate Crime and Public Order (Scotland) Bill (in private):** The Committee will review the evidence on the Bill heard at today's meeting.

**J/S5/20/25/A**

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The papers for this meeting are as follows—

**Agenda item 1**

Note by the Clerk

J/S5/20/25/1

PRIVATE PAPER

J/S5/20/25/2 (P)

PRIVATE PAPER - TO FOLLOW

J/S5/20/25/3 (P)

**Agenda item 2**

Note by the Clerk

J/S5/20/25/4

**Agenda item 3**

Note by the Clerk

J/S5/20/25/5

## Justice Committee

25th Meeting, 2020 (Session 5), Tuesday, 27 October 2020

### Hate Crime and Public Order (Scotland) Bill

#### Paper from the Clerk

#### Introduction

1. The Hate Crime and Public Order (Scotland) Bill (“the Bill”) was introduced by the Cabinet Secretary for Justice on 23 April 2020 and referred to the Justice Committee. The Bill and accompanying documents can be accessed [here](#).
2. The purpose of the Bill is to modernise, consolidate and extend hate crime legislation in Scotland. The law in this area has evolved over time in a fragmented manner with the result that different elements of hate crime law are located in different statutes. There is therefore a lack of consistency and the relevant legislation is not considered as user-friendly as it could be. The Scottish Government believes that the Bill will consolidate existing hate crime legislation within one statute to provide greater clarity, transparency and consistency.
3. There is no single accepted definition of hate crime. In his independent [review](#), of hate crime legislation in Scotland commissioned by the Scottish Government for their consultation, Lord Bracadale used the following definition:

*“Offences which adhere to the principle that crimes motivated by hatred or prejudice towards particular features of the victim’s identity should be treated differently from ordinary crimes”*

#### Background

4. According to the Scottish Government’s [policy memorandum](#) which accompanies the Bill, it will “modernise and extend existing hate crime legislation” by:
  - Adding age as a new characteristic in connection with the aggravation of offences by prejudice under Part 1;
  - Creating new offences relating to stirring up hatred in Part 2 that will apply in relation to all listed characteristics to include age, disability, religion, sexual orientation, transgender identity and variations in sex characteristics (currently those offences relate only to race);
  - Updating the definition of transgender identity in Parts 1 and 2 of the Bill including removing the term “intersexuality” and creating a separate category for variations of sex characteristics
  - Including a power to enable the characteristic of sex to be added to the lists of characteristics referred in Parts 1 and 2 of the Bill by regulations at a later date.

5. The Bill will also abolish the common law offence of blasphemy. The offence has not been prosecuted in Scotland for more than 175 years and is no longer considered necessary or appropriate.

### **Approach to Stage 1 consideration**

6. The Committee agreed to begin taking Stage 1 oral evidence on the Bill on 27 October and anticipates their scrutiny to continue throughout November.
7. On 23 September, the Cabinet Secretary for Justice, Humza Yousaf, gave a Statement to Parliament in which he outlined a number of amendments that the Scottish Government proposes to make to the Bill at Stage 2 in response to concerns that have been raised to date. The key points from the statement were that:
  - Stage 2 amendments to the Bill will be lodged to make the stirring up hatred offences “intent only” – this change will not apply to stirring up racial hatred.
  - Further consideration may be given to matters such as the operation of the “reasonableness” defence and the provisions concerning freedom of expression.
  - The Scottish Government may also consider whether the test of “evincing malice and ill will” should be changed to the test as recommended by Lord Bracadale namely to “demonstrating hostility”.

On 20 October, the Cabinet Secretary for Justice also [wrote](#) to the Committee setting out the proposed amendments.

In response to the Statement, the Committee agreed it would be helpful as part of their scrutiny to invite the Cabinet Secretary to give evidence at its first oral session to clarify the Scottish Government’s position. The Committee will also hear in broader terms from the Scottish Government Bill team about the aims and principles of the Bill and why it is needed.

8. The Committee also agreed to hear from Lord Bracadale in relation to the work he carried out for his report, its relevant findings and recommendations and to clarify which recommendations are being taken forward in the Bill and which are not.

### **Oral evidence**

9. At its meeting on 27 October, the Committee will hear from—

**Humza Yousaf MSP**, Cabinet Secretary for Justice, and

#### **The Scottish Government Bill Team**

Bill Brash, Hate Crime Bill Team Leader

Philip Lamont, Head of Criminal Law, Practice and Licensing Unit

Clare McKinlay, Solicitor, Scottish Government Legal Directorate, Criminal Justice, Police and Fire Division

Jo Gillies, Head of Connected Communities Unit

Rachael Wilson, Cohesive Communities Team Leader  
Patrick Down, Policy Officer, Criminal Law, Practice and Licensing Unit

And then from

**The Rt. Hon Lord Bracadale, Alastair Campbell QC**

10. This evidence session will be a hybrid session with some Members and witnesses present and others participating via live video conferencing. Members of the public can watch the evidence session live on the Scottish Parliament TV website from 10:00 am on Tuesday 27 October:

<https://www.scottishparliament.tv/>

11. Following this evidence session, the Committee will consider the evidence received as part of the Stage 1 scrutiny of the Bill.

**Written evidence**

12. Written submission received by the Committee in response to its call for views on the Bill are available [on the Committee's webpage](#).

13. A SPICe briefing setting out the key issues in the Bill is also available [here](#).

**Next steps**

14. At its next meeting, the Committee will continue its Stage 1 scrutiny and will hear evidence from legal, police and prosecution bodies. The Committee are due to report to the Parliament on the general principles at the beginning of December 2020.

**Justice Clerks  
21 October 2020**

## Justice Committee

25th Meeting, 2019 (Session 5), Tuesday 27 October 2020

### European Union (Withdrawal) Act 2018 – Consent to UK Statutory Instruments

#### Note by the clerk

#### Introduction

1. The European Union (Withdrawal) Act 2018 (the 2018 Act) sets out the process for the UK and Scottish parliaments to consider regulations to convert non-domestic EU law into UK law.
2. Members will recall that the process by which the UK leaves the EU requires consideration to be given as to whether the current body of law within the UK needs to be amended to reflect the fact that the UK will no longer be a member of the EU after exit day. At present, there are many references in regulations, for example, to EU bodies and the EU itself that will no longer be applicable after the UK has left the EU.
3. Some of the necessary changes to the statute book will be done through Scottish Statutory Instruments (SSIs) in the usual way. However, a number will be done through Statutory Instruments (SIs) passed in the UK Parliament with the consent of the Scottish Parliament based on the recommendation of the Scottish Government (SI notifications). Consent will be sought as these SIs will make changes to devolved powers and/or executive competences. Such changes should be broadly technical in nature. [Protocols](#) governing arrangements for both of these processes have been agreed to with the Scottish Government.

#### SI Notification

4. At today's meeting, Members will consider a SI notification (**see Annex A**) from the Scottish Government on the following SI:
  - **The Jurisdiction, Judgments and Applicable Law (Amendment) (EU Exit) Regulations 2020**
5. As Annex A notes, the Scottish Ministers believe the changes in the proposed Regulations are necessary to ensure the continued effective operation of the law.

#### SI summary

<p><b>Title of Instrument</b></p> <p>The Jurisdiction, Judgments and Applicable Law (Amendment) (EU Exit) Regulations 2020</p>
<p><b>Proposed laying date at Westminster</b></p> <p>SI was laid on 30 September (in draft as subject to affirmative procedure)</p>

<p><b>Date by which Committee has been asked to respond</b></p> <p>13 November - the Scottish Parliament will have 28 days for consideration per the SI Protocol if needed as UKG have agreed not to schedule debate for this SI until the Scottish Parliament has scrutinised the Scottish Ministers' proposal to consent.</p>
<p><b>Power(s) under which SI is to be made</b></p> <p>Section 8B and paragraph 21 of Schedule 7 of the European Union (Withdrawal) Act 2018</p>
<p><b>Categorisation under SI Protocol</b></p> <p>Category A</p>
<p><b>Purpose</b></p> <p>To make amendments to the Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019/834 (the Rome Exit SI) in light of Article 66 of the Agreement on the withdrawal of the UK from the EU ("the withdrawal agreement"). Amendments are also made to the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 in light of Article 67 of the withdrawal agreement.</p>
<p><b>Other information</b></p> <p>Provisions in an SI (which was notified last year and considered by the Justice Committee on 24 September 2019, but the SI lapsed due to the UK General Election) are now being taken forward in this SI. There has been some amendment to those provisions and further provisions in devolved matters are also to be included in the SI. This notification relates to these amendments and further provisions.</p>

### Action

10. **Members are asked to consider the SI notification covered by this note and consider whether to agree with the view of the Scottish Government that it should consent to the relevant changes being made by the UK Government.**

## **SI Notification: The Jurisdiction, Judgments and Applicable Law (Amendment) (EU Exit) Regulations 2020**

### **A brief explanation of law that the proposals amend**

The Justice Committee considered a notification which related to some of the provisions which it is now proposed will be included in this SI at its Committee meeting on 24 September 2019 and agreed consent should be given. That notification can be found [here](#). The SI including the provisions described in that notification was laid in the UK Parliament in October 2019 but then lapsed due to the UK General Election. The provisions which were notified are now being taken forward in this proposed SI. There has been some amendment to those provisions and further provisions in devolved matters are also to be included in the SI. This notification relates to these amendments and further provisions.

These regulations are to be made under section 8B and paragraph 21 of Schedule 7 of the European Union (Withdrawal) Act 2018 (“the 2018 Act”). They make amendments to the Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019/834 (the Rome Exit SI) in light of Article 66 of the Agreement on the withdrawal of the UK from the EU (“the withdrawal agreement”). Amendments are also made to the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 in light of Article 67 of the withdrawal agreement.

### **Rome I and II**

The Rome Exit SI addresses deficiencies in retained EU law relating to private international law, specifically the rules that determine the law applicable to contractual and non-contractual obligations so that the rules which determine the applicable law continue to operate effectively after the UK’s exit from the European Union. Private international law is devolved and the Rome Exit SI was made with the consent of the Scottish Ministers following notification to and approval of the Scottish Parliament. It will come into force at the end of the implementation or transition period (31 December 2020) (“IP completion day”). The notification relating to that SI provides further detail on the law in this area. The Justice Committee published its report recommending approval on 20 December 2018.

Part III of the withdrawal agreement provides separation provisions in relation to ongoing matters at the end of the transition period. Title VI of Part 3 deals with ongoing judicial co-operation in civil and commercial matters. Article 66 relates to the applicable law in contractual and non-contractual matters arising before the end of the transition period. It provides that Regulation (EC) No 593/2008 of the European Parliament and of the Council (known as Rome I) shall apply in respect of contracts concluded before the end of the transition period and that Regulation (EC) No 864/2007 of the European Parliament and of the Council (known as Rome II) shall apply in respect of events giving rise to damage, where such events occurred before the end of the transition period.

Rome I and Rome II set out the rules, applicable by EU Member States (except Denmark), for determining, where there is conflict, which law applies to respectively contractual obligations and non-contractual obligations. Non contractual obligations arise principally in the context of delict, for example claims for personal injury and damage to property.

The rules identify the law to be applied in determining cases which have a cross-border dimension. The objective of the rules is to increase legal certainty within the European Union by ensuring that the same national law applies to cross-border cases across the EU. The operation of Rome I and II (which are directly effective EU Regulations) are supported by provisions in UK domestic law.

Section 3 of the 2018 Act incorporates Rome I and II and the domestic legislation which gave effect to them into UK domestic law which applies, as amended by the Rome Exit SI, at the end of the implementation period.

Article 66 of the withdrawal agreement is given effect in UK law by section 7A of the 2018 Act which provides for the general implementation of that agreement. Section 8B of the 2018 Act provides a regulation making power to make provision to implement Part 3 of the withdrawal agreement including power to supplement the effect of section 7A and restate the law for the purposes of making it clearer and more accessible.

### **Family Law**

The earlier notification for this SI explained that it was making minor and technical amendments to regulation 8 of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019/519 (“the Family Regulations”)

Article 67 of the withdrawal agreement makes provision for matters commenced before the end of the transition period under Council Regulation (EC) No. 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark. (This is known as the “Maintenance Regulation”)

The saving and transitional provisions in regulation 8 of the Family Regulations were made in contemplation of the UK’s exit from the EU without an agreement on withdrawal. As such they are inconsistent with the provisions of Article 67 of the withdrawal agreement, insofar as those provisions apply to matters commenced before the end of the transition period under the Maintenance Regulation.

## **Summary of the proposals**

### **Rome I and II**

The proposals are to amend the Rome Exit SI to include further amendments to UK domestic legislation which refers to Rome I and II. The amendments will clarify which “version” of Rome I and II applies and ensure clear implementation of article 66 of the withdrawal agreement.

Amendments are also proposed to the retained EU law versions of Rome I and II

to clarify the timing of their application taking account of the withdrawal agreement and the application of those retained Regulations to conflicts of laws which arise intra-UK or intra UK-Gibraltar.”

### **Family Law**

The notification considered by the Committee on 24<sup>th</sup> September 2019 explained that minor and technical amendments were proposed to regulation 8 of the Family Regulations (saving and transitional provision). This proposed SI amends the Family Regulations to revoke regulation 8 completely and replace it with new provisions that are consistent with Article 67 of the Withdrawal Agreement but which also retain transitional and saving provisions relating to matters not covered by Article 67, namely choice of court agreements for maintenance made before the end of the transition period, and to maintenance proceedings commenced before the end of the transition period. The new provisions:

- expressly provide that nothing in the Family Regulations affects the application of the paragraphs of Article 67 of the withdrawal agreement that apply to the Maintenance Regulation (and accordingly, that legislation amended or revoked by the Family Regulations continues to have effect for the purposes of those paragraphs as if the amendments and revocations had not been made);
- are otherwise limited in their application to making saving and transitional provision with respect to proceedings commenced before the end of the transition period under Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (allocation within the United Kingdom of jurisdiction relating to maintenance matters) (regulation 8 already provided for this) and to choice of court agreements made under the Maintenance Regulation or Schedule 6 before the end of the transition period, neither of which come within the scope of Article 67 of the withdrawal agreement.

The other proposals relating to family law are as described in the notification which has already been considered and approved.

### **An explanation of why the change is considered necessary**

Currently the Rome Exit SI provides that the retained versions of the Rome I and Rome II Regulations, *as amended by that instrument*, apply to determine applicable law in respect of contractual and non-contractual obligations from ‘IP completion day’ (IPCD)). This includes intra-UK matters (for example, a contractual dispute between a claimant/pursuer in England and a defendant/defender in Scotland where there is no other connection outside those two jurisdictions to bring any other country’s laws into play).

In terms of article 66 of the withdrawal agreement, the EU versions of Rome I and Rome II apply in relation to such obligations which arise before IPCD. However, the withdrawal agreement requirement does not extend to wholly intra-UK matters.

The policy approach that was approved by the Scottish Government (and Parliament) and the Northern Ireland Executive and the UK Parliament in 2018/19 was that the retained versions of the Rome I and Rome II Regulations (as amended) will apply to intra-UK matters even where the contract was

entered into (or the event occurred) pre-IPCD.

Now that Article 66 of the Withdrawal Agreement has been agreed it means that after IPCD there will, in effect, be two versions of the Rome I and Rome II Regulations which may be applicable: the “real” or original EU Regulations as required to be applied by Article 66 of the Withdrawal Agreement, and the retained EU law versions as incorporated by section 3 of the 2018 Act and amended by the Rome Exit SI.

This has the potential to be unclear as to which version of the regulations will apply in particular circumstances. Whilst there are minimal differences between the two versions of the Regulations, these amendments will ensure that the position is made clear. So for example, in a case where Article 66(a) of the Withdrawal Agreement applies (e.g. the contract has connections to both the UK and France and was entered into before IPCD) the reference will be to the EU version of the Rome I Regulation, but, in a case where Article 66 of the Withdrawal Agreement doesn't apply (e.g. the contract was entered into after IPCD, or it was entered into before IPCD but the conflict of laws situation is only intra-UK) then the reference will be to the retained EU Law version of Rome I (as amended by the Rome Exit SI).

The changes which will amend regulation 8 of the Family Regulations are necessary to ensure domestic law is consistent with the terms of the withdrawal agreement, specifically Article 67, and also to provide clarity on the domestic approach to choice of court agreements made under the Maintenance Regulation or Schedule 6 to the 2011 Regulations before the end of the transition period.

### **Scottish Government categorisation of significance of proposals**

**Category ‘A’** This category is considered appropriate because the current unilateral and universal application of Rome I and Rome II by European Union States means that they will continue to be applied in the same way once the United Kingdom is no longer a member of the European Union. Any differences as a result of these amendments, will be *de minimis* in nature.

The amendments are technical in nature intended to ensure that there is clarity for those who need to rely on this area of the law as to which version of Rome I would apply to any contract and which version of Rome II would apply to any relevant action of delict.

The amendments to the Family Regulations are also technical in nature and are intended to ensure that rules of the Maintenance Regulation continue to apply in respect of legal proceedings instituted before the end of transition period and in respect of proceedings or actions that are related to such legal proceedings pursuant to Article 19 of the Maintenance Regulation (the right to apply for a review); in respect of decisions given in legal proceedings instituted before the end of the transition period; to court settlements approved or concluded, and authentic instruments established before the end of the transition period. The amendments also make provisions for the outstanding matter not already included in regulation 8 or Article 67, choice of court agreements made under the Maintenance Regulation or Schedule 6 to the 2011 Regulations.

They will ensure the continued smooth running of domestic law in this area and

there has been no significant policy decision for Scottish Ministers to make.

### **Impact on devolved areas**

The law of contract and obligations and private international law are devolved policy areas. Family law is also devolved.

The Regulations will not change the current policy position and there is no change in relation to the powers which are currently devolved.

There are no impacts specific to Scotland.

### **Summary of stakeholder engagement/consultation**

The Scottish Government has not undertaken any formal consultation on the draft SI. These amendments are intended to do two things:

- address the lack of clarity which would arise on IPCD as a result of having 2 versions of Rome I and Rome II in existence. They preserve the position which was achieved by the Rome Exit SI which means that Rome I and Rome II will be retained in domestic law. At the time of the Rome Exit SI being passed there were no comments opposing or criticising the decision to retain Rome I and Rome II (and to the extent necessary, the Rome Convention rules); and
- ensure the saving and transitional provisions of the Family Regulations are consistent with Article 67 of the Withdrawal Agreement.

### **A note of other impact assessments, (if available)**

We have discussed with the UK Government and have concluded that no significant impact on business, charities, the voluntary sectors or on the public sector is foreseen. As any impact would be negligible, there is not a requirement to undertake an impact assessment. The amendments to retained EU law and domestic legislation in this instrument are intended to (1) clarify the application of Rome I and II after IPCD and ensure that the position agreed at the time of the Rome Exit SI i.e. that the retained versions of the Rome I and Rome II Regulations (as amended) will apply to intra-UK matters even where the contract was entered into (or the event occurred) pre-IPCD is preserved and (2) provide for the rules of the Maintenance Regulation to continue to apply in the situations set out above. There is no change to policy or the underlying applicable rules.

### **Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation**

Policy and the amendments proposed are the same across the UK and it makes sense in terms of efficiency for this to be done at UK level in line with the approach to the Rome Exit SI and the Family Regulations. While the amendments to devolved domestic legislation for Rome are specific to Scotland, these are just consequential on the policy to Rome I and II after exit which is consistent across the UK.

Both Rome I and Rome II interact with some reserved areas. For example: Article 6 of Rome I relates to consumer protection; Article 7 of Rome I deals with

insurance provisions; and Article 8 of Rome II relates to unitary Community Intellectual Property rights. Whilst these areas are reserved, private international law is devolved. Extending the Regulations to Scotland avoids any potential devolution issues.

**Intended laying date (if known) of instruments likely to arise**

30 September 2020.

**If the Scottish Parliament does not have 28 days to scrutinise Scottish Minister's proposal to consent, why not?**

Drafting issues arose late with significant changes being made to the SI. The UK Government has informed the Scottish Government that the SI will not be debated in the UK Parliament until the Scottish Parliament has scrutinised the Scottish Ministers' proposal to consent.

**Information about any time dependency associated with the proposal**

It is preferable that the Regulations are in force on IPCD to ensure that legislation is operable and that there is a clear system in place to enable continued certainty in contractual disputes and family maintenance cases which have a cross-border dimension.

**Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?**

None.

**Any significant financial implications?**

Uncertainty in the law as it relates to contractual and non-contractual obligations has the potential to prolong disputes which is likely to have a financial impact on the parties involved in the disputes. Any actual financial impact would be dependent on the individual circumstances of the case in question, it is not possible to provide an estimate of the financial impact. The Regulations will however reduce uncertainty in the law.

The changes to the Family Regulations will have no significant financial implications.

**Scottish Government**

**Justice Sub-Committee on Policing**

**25<sup>th</sup> Meeting, 2020 (Session 5), Tuesday 27 October 2020**

**Note by the Clerk**

**Feedback paper**

**Introduction**

1. On 17 September 2020, the Justice Sub-Committee on Policing held an evidence session as part of its pre-budget scrutiny, ahead of the 2021/22 Draft Budget.
2. The Sub-Committee heard from Lynn Brown, Interim Chief Executive, Scottish Police Authority, James Gray, Chief Financial Officer, and David Page, Deputy Chief Officer, Police Scotland.
3. The witnesses outlined the financial requirements for the police service for the next financial year. The Sub-Committee will write to the Justice Committee with its views on the evidence received, to inform the Justice Committee's pre-budget scrutiny report.
4. The Sub-Committee also received a number of written submissions which can be accessed [here](#).
5. On 5 October 2020, the Sub-Committee held an evidence session on police governance and accountability.
6. The Sub-Committee heard from the Cabinet Secretary for Justice, Humza Yousaf, about the Scottish Government's police and accountability review. The Cabinet Secretary provided details of the roundtable with key stakeholders that he had recently chaired. The group concluded that there is no case for a wholesale review of the governance and accountability structures of policing.
7. The review group is to meet to agree a formal remit and to carry out a mapping exercise to determine the level and type of outreach work required. The Cabinet Secretary acknowledged the importance of including the third sector, human rights groups, local authorities, those representing black and minority ethnic communities, and members of the public in the work of the review group, as well as hearing from the former Chair of the SPA, Susan Deacon.
8. The review group will also consider the recent report by the former Auditor General for Scotland, Bob Black, on his review of the [Role of the Scottish Police Authority, the Chair and members](#). The report included recommendations on issues such as where the responsibility for the accountable officer role should sit, the working relationships between the key bodies responsible for the governance and accountability of policing, the amount that Police Scotland can spend without having to seek the authority of the SPA and the scrutiny implications of any decision to increase the amount, the information that that SPA's committees can request Police Scotland to provide, and the staffing structure of the SPA.

9. Following the evidence session, the Sub-Committee [wrote](#) to the Cabinet Secretary of Justice to seek confirmation of how the review group will ensure that the SPA is able to consider whether ethical, legal, data protection, and human rights impacts have been assessed prior to spending decisions being made by Police Scotland, or possible trials of new technologies undertaken. Also, the Sub-Committee requested details of how engagement with local authorities and local communities is to be considered by the review group.

10. The Sub-Committee will meet next on Monday 26 October, when it will hold an evidence session on Brexit and Policing.

**Justice Sub-Committee clerks**  
**22 October 2020**