



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

MINUTES

8th Meeting, 2021 (Session 5)

Tuesday 23 February 2021

Present:

Annabelle Ewing
Rhoda Grant
Fulton MacGregor
Liam McArthur
Adam Tomkins (Convener)

John Finnie
Liam Kerr
Rona Mackay (Deputy Convener)
Shona Robison

Also present: Rachael Hamilton and Humza Yousaf, Cabinet Secretary for Justice.

The meeting opened at 9.45 am.

1. **Decision on taking business in private:** The Committee agreed to take item 10 in private.
2. **Financial Services Bill and Counter-Terrorism and Sentencing Bill (UK Parliament legislation):** The Committee considered the legislative consent memorandums lodged by Humza Yousaf (LCM(S5)51) and (LCM(S5)52).

John Finnie indicated that he is a member of Amnesty International.

The Committee agreed that the Scottish Parliament should give its consent to the relevant provisions in the Financial Services Bill and the Counter-Terrorism and Sentencing Bill.

3. **Domestic Abuse (Protection) (Scotland) Bill:** The Committee considered the Bill at Stage 2 (Day 1).

Liam Kerr indicated that he is a member of the Law Society of Scotland.

Fulton MacGregor indicated that he is a registered social worker with the Scottish Social Services Council.

The following amendments were agreed to (without division): 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26 and 27.

The following amendments were disagreed to (by division)—

18A (For 1, Against 7, Abstentions 0)

52 (For 1, Against 8, Abstentions 0)

The following amendments were moved and, no member having objected, withdrawn: 28, 46, 10, 29, 34, 48, 49 and 53.

The following amendments were not moved: 44, 45, 30, 47, 31, 32, 33, 19, 35, 36, 37, 38, 25A, 39, 40, 41, 42, 43, 50 and 51.

The following provisions were agreed to without amendment: sections 2, 3, 7, 9, 13, 14, 16, 17, 18, 19, 20, 21 and the long title.

The following provisions were agreed to as amended: sections 1, 4, 5, 6, 8, 10, 11, 12 and 15.

The Committee completed Stage 2 consideration of the Bill.

4. **Subordinate legislation:** The Committee took evidence on the Criminal Justice (Scotland) Act 2003 (Supplemental Provisions) Order 2021 [draft] from—

Humza Yousaf, Cabinet Secretary for Justice, Scottish Government.

5. **Subordinate legislation:** Humza Yousaf (Cabinet Secretary for Justice) moved—

S5M-23986—That the Justice Committee recommends that the Criminal Justice (Scotland) Act 2003 (Supplemental Provisions) Order 2021 [draft] be approved.

The motion was agreed to.

6. **Subordinate legislation:** The Committee took evidence on the Community Orders (Coronavirus) (Scotland) Regulations 2021 [draft] from—

Humza Yousaf, Cabinet Secretary for Justice, Scottish Government.

7. **Subordinate legislation:** Humza Yousaf (Cabinet Secretary for Justice) moved—

S5M-24033—That the Justice Committee recommends that the Community Orders (Coronavirus) (Scotland) Regulations 2021 [draft] be approved.

After debate, the motion was agreed to (by division: For 7, Against 2, Abstentions 0).

8. **Subordinate legislation:** The Committee considered the following negative instrument—

The Restorative Justice (Prescribed Persons) (Scotland) Order 2021 (SSI 2021/40)

The Committee agreed to make no recommendations in relation to the instrument.

9. **Justice Sub-Committee on Policing:** The Committee noted a report back from the Sub-Committee meeting held on 15 February 2021.

10. **Malicious prosecutions and the Crown Office and Procurator Fiscal Service (in private):** The Committee discussed a paper by the clerk on malicious prosecutions at the Crown Office and Procurator Fiscal Service. The Committee agreed not to start an inquiry into this matter but to make recommendations to its successor in session 6 about the importance of looking into some of the issues set out in the paper.

The meeting closed at 12.48 pm.

Stephen Imrie
Clerk to the Justice Committee
Room T2.60
The Scottish Parliament
Edinburgh
Tel: 0131 348 5195
Email: justiceCommittee@parliament.scot