



The Scottish Parliament  
Pàrlamaid na h-Alba

**JUSTICE COMMITTEE**

**MINUTES**

**35th Meeting, 2017 (Session 5)**

**Tuesday 5 December 2017**

Present:

George Adam	Claire Baker (Committee Substitute)
Maurice Corry	John Finnie
Mairi Gougeon	Liam Kerr
Fulton MacGregor	Rona Mackay (Deputy Convener)
Ben Macpherson	Liam McArthur
Margaret Mitchell (Convener)	

Also present: James Kelly, Member in Charge of the Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill (item 6).

Apologies were received from Mary Fee.

The meeting opened at 9.53 am.

1. **Decision on taking business in private:** The Committee agreed to consider a draft Stage 1 report on the Civil Litigation (Expenses and Group Proceedings) in private at item 7 today and at future meetings.
2. **Subordinate legislation:** The Committee considered the following negative instruments—

Police Pension Scheme (Scotland) Amendment Regulations 2017 (SSI 2017/387);

Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2017 (SSI 2017/393);

First-tier Tribunal for Scotland Health and Education Chamber and General Regulatory Chamber Charity Appeals (Procedure) (Miscellaneous Amendments) Regulations 2017 (SSI 2017/398).

John Finnie declared an interest as being in receipt of a police service pension.

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

3. **Justice Sub-Committee on Policing:** The Committee noted a report back from the Deputy Convener of the Sub-Committee on the meeting held on 23 November 2017. The Committee agreed to invite the new Scottish Police Authority Chair, and the Deputy Chief Constable Designate to a future committee meeting.
4. **Subordinate legislation:** The Committee took evidence on the—

First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 [draft];

First-tier Tribunal for Scotland (Transfer of Functions of the Scottish Charity Appeals Panel) Regulations 2018 [draft];

First-tier Tribunal for Scotland Health and Education Chamber and Upper Tribunal for Scotland (Composition) Regulations 2018 [draft];

First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals Cases and Upper Tribunal for Scotland (Composition) Regulations 2018 [draft];

Public Records (Scotland) Act 2011 (Authorities) Amendment Order 2018 [draft];

from—

Annabelle Ewing, Minister for Community Safety and Legal Affairs, Scottish Government.

5. **Subordinate legislation:** Annabelle Ewing (Minister for Community Safety and Legal Affairs) moved—

S5M-08839—That the Justice Committee recommends that the First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 [draft] be approved;

S5M-08840—That the Justice Committee recommends that the First-tier Tribunal for Scotland (Transfer of Functions of the Scottish Charity Appeals Panel) Regulations 2018 [draft] be approved;

S5M-08841—That the Justice Committee recommends that the First-tier Tribunal for Scotland Health and Education Chamber and Upper Tribunal for Scotland (Composition) Regulations 2018 [draft] be approved;

S5M-09234—That the Justice Committee recommends that the First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals Cases

and Upper Tribunal for Scotland (Composition) Regulations 2018 [draft] be approved;

S5M-08843—That the Justice Committee recommends that the Public Records (Scotland) Act 2011 (Authorities) Amendment Order 2018 [draft] be approved.

The motions were agreed to without debate or dissent.

6. **Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from—

Annabelle Ewing, Minister for Community Safety and Legal Affairs, and Craig French, Solicitor, Directorate for Legal Services, Scottish Government.

Annabelle Ewing, Minister for Community Safety and Legal Affairs, declared an interest as a member of the Law Society of Scotland and holder of a current practising certificate.

7. **Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill (in private):** The Committee considered a draft Stage 1 report. Various changes were agreed to and the Committee agreed to continue consideration at its next meeting.

The meeting closed at 12.53 pm.

Peter McGrath  
Clerk to the Justice Committee  
Room T2.60  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5195  
Email: peter.mcgrath@parliament.scot