



The Scottish Parliament  
Pàrlamaid na h-Alba

## PUBLIC PETITIONS COMMITTEE

### AGENDA

13th Meeting, 2017 (Session 5)

Thursday 22 June 2017

The Committee will meet at 9.00 am in the James Clerk Maxwell Room (CR4).

1. **Consideration of a continued petition:** The Committee will consider [PE1635](#) by Emma Macdonald on Review of section 11 of the Children (Scotland) Act 1995 and will take evidence in a roundtable format from—

Stuart Valentine, Chief Executive, Relationships Scotland; Ian Maxwell, National Manager, Families Need Fathers; Pauline McIntyre, Parliamentary & Policy Officer, Children & Young People's Commissioner Scotland; Dr Marsha Scott, Chief Executive, Scottish Women's Aid; Mhairi McGowan, Head of ASSIST & Domestic Abuse Services, ASSIST.

2. **Consideration of new petitions:** The Committee will consider the following new petitions—

[PE1658](#) by Wendy Stephen on Compensation for those who suffered a neurological disability following administration of the Pluserix vaccine between 1988 and 1992;  
and will take evidence from—

Wendy Stephen.

and will then consider—

[PE1654](#) by Ian Munn on Forestry regulation;

[PE1656](#) by Rob McDowall on Threats or assaults on sitting members of parliament, their staff and families.

3. **Consideration of a continued petition:** The Committee will consider a continued petition—

[PE1637](#) by Greg Fullarton on behalf of Cromarty Rising on Ship-to-ship oil transfers and trust port accountability.

**PPC/S5/17/13/A**

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The papers for this meeting are as follows—

**Item 1 & 2**

PRIVATE PAPER

PPC/S5/17/13/1 (P)

**Item 1**

Note by the Clerk

PPC/S5/17/13/2

**Item 2**

Note by the Clerk

PPC/S5/17/13/3

Note by the Clerk

PPC/S5/17/13/4

Note by the Clerk

PPC/S5/17/13/5

**Item 3**

Note by the Clerk

PPC/S5/17/13/6

**Public Petitions Committee****13th Meeting, 2017 (Session 5)****Thursday 22 June 2017****PE1635: Review of section 11 of the Children (Scotland) Act 1995****Note by the Clerk****Petitioner** Emma McDonald**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to review the current system and operation of child contact centres and the procedure under section 11 of the Children (Scotland) Act 1995 so that the rights, safety and welfare of children are paramount in relation to child contact arrangements where domestic abuse is an issue, and to ensure that section 11 of the Act is consistently implemented across Scotland.**Webpage** [parliament.scot/GettingInvolved/Petitions/PE01635](http://parliament.scot/GettingInvolved/Petitions/PE01635)**Purpose**

1. This is a continued petition, previously considered by the Committee on 30 March, at which it agreed to seek written views and also to invite stakeholders to attend a roundtable discussion.
2. Ten written submissions have been received, and representatives from Relationships Scotland, Families Need Fathers, the Children and Young People's Commissioner Scotland, ASSIST and Scottish Women's Aid will attend this meeting to contribute to the roundtable discussion on the issues raised by the petition.

**Written submissions**

3. The Scottish Government indicates in its submission that it is committed to a review of Part 1 of the Children (Scotland) Act 1995 (Part 1 includes section 11). It states that the review is "relevant to a number of points made in the petition" and will "reflect the key point that the child must be at the centre of contact cases". It expects a public consultation to be issued in early 2018, indicating that issues to be considered as part of the review will include—
  - contact and domestic abuse
  - the role of child contact centres and whether any regulation is needed
  - the voice of the child.
4. The Scottish Government also sets out the progress in the development of its Family Justice Modernisation Strategy. It advises that this includes a [policy paper on the voice of the child](#), which it provided to the Family Law Committee

of the Scottish Civil Justice Council in December 2015, and refers to a summit held in March 2016 which included discussions from stakeholders on the voice of the child. The [responses from the summit](#) have been published. The comments on the voice of the child are set out in pages 11 to 14 of that document.

5. The Scottish Government acknowledges the concerns raised in the petition about contact and domestic abuse, and “is aware that this is a major issue”. It indicates that as part of its Strategy it is preparing a further policy paper for the Family Law Committee on case management in family actions, adding that “one of the points in that paper ... is a recommendation that when the court is aware of domestic abuse or violent conduct being alleged or proved in a case, the rules should lay down that the court must take steps to protect the parties at any child welfare hearing”.
6. Additional information is also provided by the Scottish Government about its Family Justice Modernisation Strategy—
  - the intention to publish later this year a summary of work currently being undertaken to improve how family actions are dealt with by the courts
  - the intention to include aspects of the FJMS within its consultation on the review of the 1995 Act
  - publication of the final version of the Strategy following the consultation.
7. With regard to the issues raised within the petition on judicial training, the Scottish Government notes that the Judicial Institute for Scotland is the body responsible for professional development of judicial office holders in Scotland.
8. Relationships Scotland acknowledge that child contact centres are not currently subject to any external regulation. They state—
 

“Given the increasing complexity of cases over recent years, [we] would welcome the introduction of such regulation.”
9. The Relationships Scotland submission also indicates that 90% of sessions provided by its contact centres are supported, rather than supervised contact sessions.<sup>1</sup>
10. Families Need Fathers refer to a recent statement by the Inner House of the Court of Session which considered that contact disputes should be resolved in weeks, not years. Families Need Fathers note that, in this context contact centres are used as an interim arrangement. They state—
 

“It is often necessary to use a contact centre to restart contact within such a timescale and thereby avoid risking a breach of the right of children to have contact with both parents.”

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<sup>1</sup> Supervised contact is when a member of contact centre staff is in the same room as the child and non-resident parent. Supported contact means that a staff member is in the building, but not in the same room.

11. The Children and Young People's Commissioner Scotland submission identifies disputed contact as one of the most frequently raised issues via its enquiries service. It notes that—
- “Those using the service often raise concerns about children being ‘forced’ into contact with a domestically abusive parent. This is true even where the child or young person has expressed a strong desire for such contact not to take place.”
12. The submission refers to two reports<sup>2</sup> commissioned by the Commissioner's office, which “examined how the views of children affected by domestic abuse were taken into account in child contact cases”, and identified a number of issues, including—
- a lack of awareness among professionals and Sheriffs of the dynamics of domestic abuse, and a need for more training and awareness raising for all professionals involved in domestic abuse court cases
  - presumption of contact
  - reporting of incidents
  - the views (or ‘voice’) of the child
  - child contact centres
13. On the presumption of contact, while the March 2013 research found that courts emphasise the need to judge each case on its facts, the December 2013 research “indicated a bias towards contact with both parents when there was an absence of the views of the child”, which had the potential to cause “significant difficulties”.
14. In its submission, Scottish Women's Aid refers to studies as far back as 2002-03, which concluded that use of contact centres where domestic abuse was a factor was dangerous for women and their children. It considers that this—
- “...remains the core problem in Scotland in 2017: the widespread and unchallenged assumption, despite our legislation, that all contact is in the best interests of the child. This pro-contact stance distorts decision-making by sheriffs, solicitors, court reporters, social workers, contact centre staff, and indeed sometimes even the non-abusing parent, who is so often blamed for not protecting her children by, presumably, controlling the abuser.”
15. The Commissioner's submission states that difficulties can also be caused by the small minority of domestic abuse incidents that are ever reported to the Police. It considers that such difficulties can arise because a “Sheriff may doubt the existence of domestic abuse, believe that allegations ... are being used to manipulate the situation in the mother's favour or base their assessment of risk purely on the number of times the Police have been called”. The submission suggests a factor in this is the alteration of the Scottish Legal Aid Regulations in 2010.

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<sup>2</sup> [Child contact proceedings for children affected by domestic abuse](#), March 2013  
[The treatment of the views of children in private law child contact disputes where there is a history of domestic abuse](#), December 2013

16. ASSIST and Scottish Women's Aid also identify this as a concern. ASSIST says that victims of domestic abuse are advised that "sheriffs view domestic abuse of the adult as entirely separate from the impact on a child", while Scottish Women's Aid state—
- "... so often in family actions about contact, domestic abuse is minimised, mothers are discouraged from bringing it into court, and the abuse is used against victims of abuse, who are accused of wielding allegations of abuse in order to be vindictive or spiteful."
17. Consequently, Scottish Women's Aid considers, "the very systems which are set up to protect children are instead sentencing them to ongoing exposure to abuse".
18. ASSIST relates its experience that "children feel not heard within the civil court system, that there is no consistency of approach and that non-abusing parents feel silenced".
19. In terms of the views of the child, the Children's Commissioner considers that the current methods for seeking views are not age-appropriate; are not always clear about the weight the child's views will be given; and processes for consulting with children do not take account of a child's fears of retaliation if their views are fed back to the non-resident parent, which made it "more difficult for children to feel that they could speak freely".
20. The submission indicates that the Commissioner's office has been working recently with the Scottish Civil Justice Council to make improvements to the methods currently used<sup>3</sup> for seeking children's views, highlighting that this should be done in a more child-friendly manner.
21. The Commissioner refers to 'Power Up, Power Down', a joint project with Scottish Women's Aid, which engaged with children and young people to develop ideas on more creative and child-friendly ways of seeking their views.
22. With regard to child contact centres, the Children and Young People's Commissioner indicates agreement with the action called for by the petitioner. He considers that—
- it would be helpful to have greater oversight and regulation
  - the creation of an inspection regime would ensure that contact centres are safe and stress-free environments
  - any review should look at whether centres are adequately resourced, including secure independent funding for provision on a national basis.
23. ASSIST considers that the principle of contact centres is good and is "beneficial in many situations". However, it agrees with the need for a comprehensive and independent review of centres in relation to domestic abuse, as "they do not always have a sufficient understanding of the dynamics of domestic abuse". It considers that there is confusion about the type of contact supplied, saying—

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<sup>3</sup> One of the methods used is the F9 form

“It is generally thought ... that supervised contact with the non-resident parent will happen, i.e. there is someone in the room with the non-resident parent and the child, when in most cases, even when there’s a history of domestic abuse, it is supported contact that takes place, where staff are in the building not the room.”

24. ASSIST agrees with the view that child contact centres should be regulated and regularly inspected, noting that these are places where the service users are children.
25. In her submission, the petitioner agrees with and highlights the concerns expressed by the Children’s Commissioner and Scottish Women’s Aid, with regard to a lack of awareness of the dynamics of domestic abuse, the presumption of contact and the voice of the child. She also indicates agreement with the comments and concerns raised about the understanding of the type of contact – supported or supervised – that will be provided.
26. The petitioner considers that the submission from Families Need Fathers does not address the issue in the context of domestic abuse or hearing the children’s views, clarifying that the petition is “specifically about domestic abuse and how these cases are dealt with within a court setting”, and about the concerns of the safety of centres.
27. The petitioner questions Relationships Scotland’s position that contact would not go ahead if it was not considered safe. She argues that—
 

“contact centres, despite having no security, accept referrals to facilitate contact that has been court ordered despite the full knowledge that domestic abuse is a problem within those particular cases.”
28. While the petitioner acknowledges that Relationships Scotland would value specialist risk assessments (Domestic Abuse Child Safety Reports) she notes that its submission states that, currently, it is responsible for conducting risk assessments for all cases. The petitioner queries how this can be achieved when “they choose to allow contact to take place in a second floor tenement flat”.
29. With regard to resources, knowledge and experience the petitioner questions whether Relationships Scotland uses its funds appropriately, which she argues are “not being used to provide suitably secure and safe premises and professionally qualified staff”.
30. In relation to the lack of external regulation, inspection or standards the petitioner offers one example—
 

“The use of CCTV would require Relationships Scotland to register with the Information Commissioner and would also show exactly what takes place within centres which ... would only be a good thing.”



31. The petitioner acknowledges that Relationships Scotland would welcome the introduction of external regulation, suggesting that “this would only be one step of many needed to ensure children’s safety at child contact centres”.
32. An anonymous submission has also been received on this petition, from a current child contact centre user.
33. The submission states that the contact centre in question does not operate under Relationships Scotland, and the individual’s understanding is that “it does not have to follow any Quality Assurance Framework or National Policies and Procedures for Child Contact Centres”.
34. The submission sets out in detail the difficulties that the contact centre user has experienced, including—
  - “poor to non-existent” communication, including no mechanism to provide feedback
  - the provision of contact schedules: dates not given in advance, or with very short notice; times omitted
  - schedules ignoring the court order, resulting in it being returned to court twice
  - play therapist not being facilitated or integrated into the contact process
  - the court order eventually being altered to accommodate the centre’s restrictions (with the individual’s understanding being that this was “to progress matters”)
  - the child in this case having to travel to multiple locations as part of a single contact, in order to have a session with the play therapist before travelling to the ‘actual’ contact, and then back to the play therapist.
35. The anonymous submission states that the experience has been “confusing, distressing and alarming” and considers that, on the basis that the service users are vulnerable children, child contact centres should be regulated without delay.

## **Conclusion**

36. The Committee is invited to consider what action it wishes to take on this petition. Options include—
  - To invite the Cabinet Secretary for Justice to provide evidence at a future meeting;
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**

## Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1635/A: Scottish Government submission of 25 April 2017 \(75KB pdf\)](#)
- [PE1635/B: Families Need Fathers Scotland submission of 27 April 2017 \(45KB pdf\)](#)
- [PE1635/C: Children and Young People's Commissioner Scotland submission of 2 May 2017 \(141KB pdf\)](#)
- [PE1635/D: Relationships Scotland submission of 28 April 2017 \(116KB pdf\)](#)
- [PE1635/E: Scottish Courts and Tribunals Service submission of 11 June 2017 \(24KB pdf\)](#)
- [PE1635/F: Scottish Women's Aid submission of 16 May 2017 \(167KB pdf\)](#)
- [PE1635/G: Scottish Children's Reporter Administration submission of 30 May 2017 \(54KB pdf\)](#)
- [PE1635/H: Petitioner submission of 30 May 2017 \(77KB pdf\)](#)
- [PE1635/I: ASSIST submission of 2 June 2017 \(81KB pdf\)](#)
- [PE1635/J: Anonymous submission of 19 June 2017 \(50KB pdf\)](#)

All written submissions received on the petition can be viewed on the petition [webpage](#).

**Public Petitions Committee****13th Meeting, 2017 (Session 5)****Thursday 22 June 2017****PE1658: Compensation for those who suffered a neurological disability following administration of the Pluserix vaccine between 1988 and 1992****Note by the Clerk****Petitioner** Wendy Stephen**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to acknowledge and compensate individuals who suffered permanent neurological disabilities following administration of the Urabe mumps containing Pluserix MMR which was recommended and promoted by the Scottish Home and Health Department (SHHD) in their MMR vaccine campaign between October 1988 and September 1992.**Webpage** [parliament.scot/GettingInvolved/Petitions/PE01658](http://parliament.scot/GettingInvolved/Petitions/PE01658)**Introduction**

1. This is a new petition that was not open for collecting signatures. The Committee has a copy of the petition and the SPICe briefing. The petitioner has accepted an invitation to give evidence to the Committee and has also provided a written submission. The Committee is invited to consider what action it wishes to take on the petition.

**Background (taken from the [SPICe briefing](#))***MMR vaccination and licensing*

2. A combined measles, mumps and rubella vaccine (MMR-I) was first licensed in the UK in 1972. However, MMR-I was not actually used at that time because combined measles, mumps and rubella vaccines were not introduced into the UK routine childhood immunisation programme until 1988, by which time MMR-II had replaced MMR-I (differing in the rubella virus strain only). In the UK, one of the vaccines used contained a strain of the mumps virus called 'Urabe'. Others were available, from other manufacturers containing the 'Jeryl Lynn' strain of the mumps virus.

*UK Bodies involved with decisions about vaccinations*

3. The [Report of the MMR Expert Group](#), published by the Scottish Government in 2002, describes in detail the roles and functions of the various bodies concerned with the safety of medicines, as well as providing detail on the strains of the diseases used in the vaccines. The document provides information about:

- the roles and responsibilities of the [Joint Committee on Vaccination and Immunisation \(JCVI\)](#), the [Committee on Safety of Medicines \(CSM\)](#) and the [Medicines Control Agency<sup>1</sup> \(now MHRA\)](#) (paragraphs 4.1 to 4.6);
  - How vaccines are tested, and the monitoring of adverse effects (paragraphs 4.7 to 4.18);
  - the licensing of MMR vaccines (paragraphs 4.19 to 4.25)
4. The following table, taken from the above document, shows the range of MMR vaccines licensed and used in the UK.

**Components/strains of MMR used since 1988:**

**From 1988 to present:**

**MMR II** (*Ender's Edmonston (measles), Wistar RA27/3 (rubella) and Jeryl Lynn (mumps) strains*)

**From 1998 to present:**

**Priorix** (*Schwarz (measles), Wistar RA27/3 (rubella) and RIT438 (derived from Jeryl Lynn (mumps) strains)*)

**From 1988/89 to September 1992 (no longer used due to presence of Urabe mumps strain):**

**Pluserix** (licence now cancelled) **and Immravax** (*Schwarz (measles), Wistar RA27/3 (rubella) and Urabe Am 9 (mumps) strains*)

5. The Pluserix vaccine was withdrawn from use by the manufacturer, not the UK Government, in 1992.<sup>2</sup>
6. The annex to this paper shows a press release from the Department of Health, which details the Medicines Control Agency's decision to cease the licence to import urabe containing vaccines in 2002.

*Issues raised about the urabe-containing mumps strain of the vaccine (Pluserix etc) leading to its withdrawal*

7. The 2002 MMR Expert Group reported—

“Five combined measles, mumps and rubella vaccines have been licensed in the UK (including MMR-I). Three of these are still licensed and two (MMR-II – Pasteur Merieux MSD and Priorix – GSK Biologicals) are routinely used in the national immunisation programme. Following the introduction of combined measles, mumps and rubella vaccine in 1988, sporadic case reports in the literature of mumps virus meningitis were reported in association with vaccines containing the Urabe Am 9 strain of mumps. Fewer cases were

<sup>1</sup> [The Medicines Control Agency merged with the Medical Devices Agency in 2003 to become the Medicines and Healthcare Regulatory Products Agency \(MHRA\)](#)

<sup>2</sup> [Press report from 2007](#) providing background to the use and withdrawal of the particular vaccine

reported in association with combined measles, mumps and rubella vaccines containing the Jeryl Lynn strain. Since the Jeryl Lynn strain appeared to carry a lower risk of meningitis and meningo-encephalitis, only combined measles, mumps and rubella vaccines containing this strain were made available from 1992 (no licensing action has been taken against those containing Urabe Am 9 as the Committee on Safety of Medicines (CSM) concluded that the balance of risks and benefits remained positive).”

8. This [excerpt from Hansard](#) from 1995 details a parliamentary question about the [withdrawal of the urabe containing MMR vaccine in Canada](#) (Trivirix), in 1990 and the subsequent research done in the UK, leading to its withdrawal from use and substitution with another vaccine—

**Mr Smith:** To ask the Secretary of State for Health what evaluation was made by his Department of the reasons why the Trivirix MMR vaccine was withdrawn from use in Canada in May 1990; what considerations led to his Department's to withdraw the MMR vaccine from use in the United Kingdom; and when it was withdrawn. [40288]

**Mr Sackville [holding answer 31 October 1995]:** The decisions that were taken by the Canadian authorities to discontinue using Urabe strain mumps vaccines were known to other licensing authorities. At that time, there was insufficient evidence of a problem with the strain of mumps vaccine in the United Kingdom for a change in vaccine policy to be advised.

9. Alerted to the existence of a potential problem of mumps vaccine virus meningitis, discovered in Canada, the Department of Health commissioned the public health laboratory service to undertake a study which allowed the detailed monitoring of possible vaccine associated cases. The studies undertaken were of an intensity that had not been undertaken anywhere else in the world. This involved 13 health districts. Some 28 vaccine associated cases were identified, all in recipients of MMR vaccines containing the Urabe mumps strain, indicating a risk of one in 11,000 with the vaccines.
10. As soon as data were available confirming the extent of the risk, showing that an alternative vaccine did not have this level of risk and was equally effective, and that adequate alternative supplies were available, the Urabe vaccines were replaced. This occurred in September 1992. The question remains as to why the UK continued with the vaccine for a further two years from 1990 – 92.

*The Joint Committee on Vaccination and Immunisation (JCVI) and their consideration of the Urabe-containing vaccine*

11. The JCVI is a UK standing advisory committee. Its terms of reference as agreed by the UK health departments are—

“To advise UK health departments on immunisations for the prevention of infections and/or disease following due consideration of the evidence on the burden of disease, on vaccine safety and efficacy and on the impact and cost effectiveness of immunisation strategies. To consider and identify factors for the successful and effective implementation of immunisation strategies. To

identify important knowledge gaps relating to immunisations or immunisation programmes where further research and/or surveillance should be considered.”

12. There are many references in articles and grey literature to the JCVI's involvement and activity with this issue, which come from various [minutes of meetings of the JCVI](#) and [its sub-committee, ARVI – Adverse Reactions to Vaccinations and Immunisations from 1989](#), which considered adverse reactions to the Urabe-containing vaccine. It is clear that the committee were familiar with the evidence from Canada at this time, where use of the vaccine discontinued 1990. In the JCVI minute, there is also reference to interest from the Procurator Fiscal, and the SHHD (Scottish Executive Home and Health Department) over the death of a child after vaccination.

#### *Historic research*

13. From a search of available academic literature published at the time, that is now available electronically, it appears that the Committee did not have access to the large body of evidence now available about the risks of this particular vaccine, on which to base its decisions and decided to proceed with using the urabe-containing strain.

14. [This article](#) from the American Journal of Epidemiology describes the action taken in the UK in response to the research done in Canada—

“At the time these MMR vaccines were introduced, Canadian investigators had reported that the Urabe mumps strain contained in two of the three available vaccines was temporally associated with aseptic meningitis in approximately 1 in 100,000 vaccinees (1). However, it was unclear at the time whether the association was causal and, if so, what the true attributable risk was and whether the adverse effect was exclusively related to vaccines containing the Urabe strain. Enhanced postlicensure surveillance was established in the United Kingdom using the British Paediatric Surveillance Unit scheme, whereby each month paediatricians are sent a card listing a set of defined conditions to be reported, to which meningoencephalitis after MMR vaccination was added... Subsequent epidemiologic studies using laboratory- and hospital-identified cases of aseptic meningitis linked to MMR vaccination records established that the true risk of MMR-associated aseptic meningitis was substantially higher than previously thought (~1 in 10,000–15,000 doses) and was exclusively related to the Urabe mumps strain in the vaccine.”

15. Research continued and further studies were published after the withdrawal of the urabe-containing vaccine. Some of these are indicated in the article hyperlinked above.

#### *UK Vaccine Damage Payment Scheme*

16. The Vaccine Damage Payment Scheme was set up under [The Vaccine Damage Payments Act 1979](#). Payment made under the Vaccine Damage Payment Scheme is not compensation and does not prejudice the right of the

disabled person to pursue a claim for damages through the courts. Since its inception and up to 8 December 2014 6,026 claims have been received and 931 awards made, totalling about £73 million including top-up payments.<sup>3</sup>

17. If someone is severely disabled as a result of a vaccination against certain diseases, a one-off tax-free payment of £120,000 can be made. The payment might affect certain benefits and the eligibility criteria set out in the legislation include the following:
  - You may receive payment if you're severely disabled and your disability was caused by vaccination against a number of diseases. The list includes mumps and MMR vaccines
  - Disablement is worked out as a percentage, and 'severe disablement' means at least 60% disabled. This could be a mental or physical disablement and will be based on medical evidence from the doctors or hospitals involved in your treatment
  - You must normally have been vaccinated before your 18th birthday and in the UK or Isle of Man
  - You can only claim for a child once they are 2 years old
  - To claim for an adult, apply by whichever is the latest of the following dates: on or before their 21st birthday (or if they've died, the date they would have reached 21), within 6 years of the vaccination.
18. It is not known whether the petitioner made a claim under this scheme. If not, it would seem that the time limit has passed for her doing so now. However, as stated above, it is not a compensation scheme, and it is still possible to pursue a case through the courts, as the petitioner has done.
19. It appears that the petitioner is seeking compensation from the Scottish Government on the basis that at the time that her daughter and other children were vaccinated, between 1988 and 1992 (ie prior to devolution) the then Scottish Home and Health Department was aware of the risks associated with this particular vaccine.

#### *Taking further court action*

20. Usually, when someone has suffered personal injury as a result of a defective product, they can sue the producers of the product for compensation. This is what the petitioner had attempted to do in her previous legal action.
21. However, the law places limits on the length of time someone has to raise court action in these circumstances. The law in this area is complicated, and there are different time periods in relation to different types of claim.
22. Personal injury actions usually have to be raised within three years of the injury occurring. Where all the relevant factors – eg. who is responsible for the injury – are not known, the time limit starts running from the date that they reasonably should have been known. This legal doctrine is known as "limitation".

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<sup>3</sup> From FOI response recorded by [www.whatdotheyknow.com](http://www.whatdotheyknow.com);  
[https://www.whatdotheyknow.com/request/number\\_of\\_people\\_who\\_received\\_co](https://www.whatdotheyknow.com/request/number_of_people_who_received_co)

23. The court can extend the three year limitation deadline where it is “equitable” to do so. This will involve consideration of the interests of both sides to the court action. In practice, the deadline is rarely changed.
24. Periods of time when someone is under the age of 18 are not counted for the purpose of calculating the limitation period. This is relevant, as the constituent’s daughter was very young when the injury happened. The limitation period would not have started running until she was 18.
25. Separately, the right to take court action can be extinguished entirely after a certain amount of time has passed. This legal doctrine is known as “prescription”. The court has no discretion to extend the time periods relevant for prescription. When the deadline has passed, the right to take action is lost irretrievably.
26. The right to sue for defective products under consumer protection legislation prescribes after 10 years. The petitioner’s original court claim seems to have been based on liability under this legislation.
27. However, it may still be possible to bring an action based on the general law of negligence after this time period. The right to bring court action for personal injury due to negligence never prescribes.
28. In her [written submission of 30 May](#), the petitioner describes the difficulties she has historically encountered in terms of the possibility of further court action and expresses her view that “it is highly unlikely that we would now be able to overcome the insurmountable difficulties we faced back in 2002/3 allowing us to bring a case in negligence in Scotland, particularly in respect of prescription ...”. She goes on to say—

“Additionally, throughout the legal proceedings we were party to, it was said that a claim being brought under the Consumer Protection Act had to be commenced within 10 years of the date on which the vaccination had been received. In my daughter’s case that has long since expired.”

#### *Voluntary payments*

29. It is open to any of the organisations involved to make a voluntary payment to the constituent’s daughter in compensation for her injuries. This would include the Scottish Government, acting as the body which has taken on the obligations of the Scottish Home and Health Department.
30. Such voluntary payments are often known as an “ex gratia” payment. They are made as a gesture of goodwill, even though there may be no legal obligation to do so.

#### *Scottish Government action*

31. The Scottish Government/NHS Scotland has a website dedicated to immunisation: [Immunisation Scotland](#) providing public information about all the different vaccines currently offered.



32. [Scottish Vaccine Update](#), published regularly by NHS Health Protection Scotland providing healthcare professionals with information and practical advice.

*Statutory relationship to the UK Joint Committee on Vaccination and Immunisation (JCVI)*

33. The JCVI has no statutory basis for providing advice to Ministers in Scotland or Northern Ireland (see JCVI statement above). However, health departments from these countries may choose to accept the Committee's advice or recommendations. Specific advice given by JCVI in response to a request from any one UK health department or Minister is not binding on any of the other Ministers of the Devolved Administrations or UK Government. UK health departments are made aware of all JCVI advice through their designated observers who attend JCVI and Sub-committee meetings and receive committee papers.

*Further information and studies*

34. The SPICe briefing also provides examples of and links to further information and studies, including—
- From [Cochrane Review 2012](#)

“Results from two very large case series studies involving about 1,500,000 children who were given the MMR vaccine containing Urabe or Leningrad-Zagreb strains show this vaccine to be associated with aseptic meningitis”
  - Institute of Medicine. 1994. [Adverse Events Associated with Childhood Vaccines: Evidence Bearing on Causality](#). Washington, DC. The National Academies Press. doi: 10.17226/2138
  - From the [2013 Green Book](#)<sup>4</sup>

“One strain of mumps virus (Urabe) in an MMR vaccine previously used in the UK was associated with an increased risk of aseptic meningitis (Miller et al., 1993). This vaccine was replaced in 1992 (Department of Health, 1992) and is no longer licensed in the UK. A study in Finland using MMR containing a different mumps strain (Jeryl Lynn), similar to those strains used currently in MMR in the UK, did not identify any association between MMR and aseptic meningitis (Makela et al., 2002)”
  - [Medical journal articles published on links between MMR and mumps meningitis from 1988 – 1993](#)
  - [Newspaper report that refers to the petitioner's case](#)<sup>5</sup>

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<sup>4</sup> The Green Book has information on vaccines and vaccination procedures, for vaccine preventable infectious diseases in the UK.

## Conclusion

35. The Committee is invited to consider what action it wishes to take. Options include—

- Seeking the views of the Scottish Government on the action called for in the petition
- Seeking the views on the action called for in the petition from other relevant agencies or bodies, which might include—
  - JCVI
  - MHRA
  - Committee on Safety of Medicines
  - others?
- Any other action the Committee wishes to take.

**Clerk to the Committee**

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<sup>5</sup> Telegraph. 2007. *Early fears about MMR in secret papers.*

**STATEMENT FROM THE MEDICINES CONTROL AGENCY****MEDICINES CONTROL AGENCY TO OBJECT TO IMPORTATION OF UNLICENSED SINGLE URABE STRAIN MUMPS VACCINE**

The Committee on Safety of Medicines (CSM) has advised that Urabe mumps vaccine is associated with an unacceptable risk of aseptic meningitis and that the Medicines Control Agency (MCA) should object to importation of unlicensed mumps vaccine containing the Urabe strain of mumps virus. On the basis of that advice, the MCA has today contacted importers notifying them that the vaccine should not be imported.

This is not a new safety issue but has been considered at this point due to notifications received by MCA to import these vaccines. The risk of Urabe mumps vaccine meningitis has been recognised for over 10 years. Indeed, MMR vaccines containing the Urabe mumps strain has not been used in the UK since 1992 due to this risk. Since then, the only MMR vaccines used in the UK have contained Jeryl Lynn mumps strain.

At its meeting on 25 July 2002, the independent scientific advisory body reviewed the most up to date data in relation to the risk of Urabe mumps vaccine meningitis and the risk associated with the Jeryl Lynn strain of mumps vaccine contained in the two MMR vaccines currently used in the UK.

In reaching its decision the CSM considered data from UK studies which have shown the risk of Urabe mumps meningitis to be in the region of 1 case per 3,800 doses distributed but acknowledged that this risk could be higher. Viral meningitis is a potentially serious and distressing condition and Urabe mumps vaccine-associated meningitis has led to seizures, hospitalisation and invasive clinical tests including lumbar puncture. After many years of worldwide experience, Jeryl Lynn mumps vaccine has not been shown to be associated with meningitis.

Professor Alasdair Breckenridge, Chairman of the Committee on Safety of Medicines, said:

"There is sound evidence that mumps vaccine containing the Urabe strain of virus is associated with a risk of meningitis and no proven additional benefits. This risk to children of a potentially serious neurological complication makes its use unacceptable and we are advising MCA not to allow importation of vaccines containing this strain. The currently available MMR vaccines, which contain the Jeryl Lynn strain of mumps virus, are very effective, are not associated with meningitis and are the safest way of preventing measles, mumps and rubella, themselves serious and occasionally fatal diseases."

**Public Petitions Committee**  
**13th Meeting, 2017 (Session 5)**  
**Thursday 22 June 2017**  
**PE1654: Forestry regulation**

**Note by the Clerk**

<b>Petitioner</b>	Ian Munn
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to develop a statutory code on stakeholder engagement for the forestry industry based on the CONFOR guidance and provide a role for a Scottish Government body to oversee the implementation of and compliance with the code.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01654">parliament.scot/GettingInvolved/Petitions/PE01654</a>

**Introduction**

1. This is a new petition that collected 58 signatures and attracted 15 comments. Many commenters agreed with the petitioner that the road infrastructure required to support the forestry industry requires investment.
2. The petitioner has provided a written submission dated [15 June 2017](#) further outlining his concerns about consultation between the forestry industry and local stakeholders.
3. The Committee is invited to consider what action it wishes to take.

**Background (taken from the [SPICe briefing](#))**

4. Scotland has a total of 1.44 million hectares of woodland, 33% of which is owned and managed currently by the Forestry Commission. 74% of this woodland is populated with conifers, the remainder with broadleaves. The forestry sector (including associated wood processing, supply chains and forest related tourism) has recently been estimated to support around 26,000 jobs, and £954m of gross value added. The sector is particularly important to the rural economy.
5. Woodland creation and management can contribute to climate change mitigation, biodiversity, flood management, and health and well-being. Forestry can also have negative environmental impacts under some circumstances.
6. The forestry sector is affected directly and indirectly by a number of domestic policy frameworks, such as the UK Forestry Standard, the Scottish Forestry Strategy, the Land Use Strategy and the Biodiversity Strategy.

7. The CONFOR guidance referred to in the petition is copied at the end of this briefing.

### The UK Forestry Standard

8. All publicly funded forestry in the UK is required to meet the [UK Forestry Standard](#) (UKFS). This includes woodland for which grants have been provided. This is a reference standard for sustainable forestry, and “provides a framework for the delivery of international agreements on sustainable forest management”. The UKFS has a section on public consultation (p 86) –

“The forestry authorities make provision for anybody to comment on forestry proposals before a decision is reached. The mechanisms for doing this vary across England, Scotland, Wales and Northern Ireland, and with the significance and extent of the proposal. Consultation is extensive where an Environmental Impact Assessment is involved. The minimum consultation requirement in Great Britain is that clear felling applications, forest management plans (for the public forest estate and for other woodlands) and grant applications are entered on the Public Register of New Planting and Felling. The arrangements for viewing the Register are on the Forestry Commission website at: [www.forestry.gov.uk/publicregister](http://www.forestry.gov.uk/publicregister).

In addition to the Public Register, local authorities and other statutory bodies are sent details of proposals under formal consultation and notification procedures. This process ensures a wide range of views is taken into account. The majority of applications, often with amendments, are approved through this process. If objections are lodged and sustained, the Forestry Commission may ask for advice from an advisory committee, and/or refer to the appropriate forestry minister before arriving at a decision. The above procedures do not negate the requirements for forest and woodland owners to consult other statutory agencies with regard to particular woodlands, for example the conservation agencies in the case of Sites of Special Scientific Interest.”

9. The UKFS is currently a cross border function carried out by the Forestry Commission. Negotiations are underway between the devolved administrations on how these functions will work in the future. The Scottish Government consultation - [The Future of Forestry in Scotland - A Consultation](#) proposes three priorities for continuing cross-border collaboration. Common codes, such as the UKFS was one of these. Most respondents agreed that this was a priority.

### Scottish Government Action

10. [The Future of Forestry in Scotland - A Consultation](#) was published in August 2016. It consulted on proposals to -
  - introduce new organisational arrangements so that the management of forestry in Scotland is fully accountable to the Scottish Ministers and to the Scottish Parliament
  - ensure that effective cross-border arrangements are in place to suit Scottish needs

- replace the Forestry Act 1967 with a modern approach to the development, support and regulation of forestry.
11. [Consultation responses](#) are available on the Scottish Government consultation hub.
  12. An [analysis of the consultation responses](#) was published in February 2017.
  13. [The Forestry and Land Management \(Scotland\) Bill](#) was introduced in the Scottish Parliament on 10 May 2017. The Bill seeks to transfer the powers and duties of the Forestry Commissioners in Scotland to Scottish Ministers. It provides Scottish Ministers with a duty to promote sustainable forest management and publish a forestry strategy. The regulatory regime for felling trees is updated and becomes the responsibility of Scottish Ministers, although much of the detail on felling will be set out in regulations. The Forestry Act 1967 is repealed for Scotland.
  14. The Bill does not include provision for a statutory code on stakeholder engagement for the forestry industry, as requested by this petition. However, section 3(3) sets out what a forestry strategy must include –
 

“(3) The forestry strategy must include the Scottish Ministers’ objectives, priorities and policies with respect to—

    - (a) the economic development of forestry,
    - (b) the conservation and enhancement of the environment by means of sustainable forest management,
    - (c) the realisation of the social benefits of forestry.”

#### Scottish Parliament Action

15. On 2 June 2017 the Rural Economy and Connectivity Committee issued a [call for evidence](#) on the Forestry and Land Management (Scotland) Bill. The call closes on 16 August 2017.
16. On 19 April 2017 Finlay Carson asked the Scottish Government what action it can take to ensure that increasing the threshold for screening proposed forestry projects for their environmental impact will not lead to a risk of significant negative environmental impacts.
17. Fergus Ewing answered saying –
 

“The Scottish Government has only increased the threshold for forestry projects outside sensitive areas. There remains no threshold for forestry projects in sensitive areas and all woodland creation projects in those areas must undergo an Environmental Impact Assessment (EIA).

In addition to the EIA process, the significant majority of woodland creation projects apply for financial support under the Forestry Grant Scheme. The scheme’s application process requires surveys and environmental information

to be submitted where appropriate. All applications are then checked to ensure compliance with the UK Forestry Standard, the widely recognised benchmark for sustainable forest management.”

### **Conclusion**

18. The Committee is invited to consider what action it wishes to take. Options include —

- To write to the Scottish Government, Confor, Forestry Commission Scotland, Forestry Contractors Association, Scottish Timber Trade Association, Woodland Trust and the Royal Scottish Forestry Society seeking their view on the petition.
- To take any other action the Committee considers appropriate.

**Clerk to the Committee**

**Public Petitions Committee****13th Meeting, 2017 (Session 5)****Thursday 22 June 2017****PE1656: Threats or assaults on sitting members of parliament, their staff and families****Note by the Clerk**

<b>Petitioner</b>	Rob McDowall
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to bring forward specific legislation, which would introduce a statutory aggravation for assault or threats against the safety or the life of elected members of the Scottish Parliament, the Northern Ireland Assembly, the National Assembly for Wales or the Parliament of the United Kingdom and their staff or families.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01656">parliament.scot/GettingInvolved/Petitions/PE01656</a>

**Introduction**

1. This is a new petition that collected 33 signatures. The Committee is invited to consider what action it wishes to take.

**Background (taken from the [SPICe briefing](#))**

2. In sentencing an offender, the criminal courts can take into account a wide range of factors relating to the victim (e.g. vulnerability), the offender (e.g. motivation or previous convictions) and the offence (e.g. impact on the victim and others). Factors that are likely to increase a sentence are called 'aggravating' whilst those likely to decrease a sentence are called 'mitigating'. They are able to take account of the particular circumstances of an offence without statutory provisions specifically highlighting them as being relevant to sentencing.
3. However, despite the general ability of the courts to treat relevant circumstances as aggravating factors when sentencing, the Parliament has passed legislation creating specific statutory aggravating factors. For example, the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 provides for a domestic abuse aggravator. The policy memorandum published with the relevant [Bill](#) stated that:

Statutory aggravations exist to assist in the identification and prosecution of a number of different types of crime. For example, the Offences (Aggravation by Prejudice) (Scotland) Act 2009 provides for statutory aggravations for any crimes where the perpetrator is motivated by malice or ill-will towards an individual based on their



sexual orientation, transgender identity or disability. This could, for example, be an assault motivated by ill-will towards a person because of their sexual orientation. Where offences are proven to have been motivated by such malice or ill-will, the court must take that into account when determining sentence. Evidence from a single source is sufficient to establish the aggravation.

Section 74 of the Criminal Justice (Scotland) Act 2003 makes similar provision for offences aggravated by religious prejudice, and section 96 of the Crime and Disorder Act 1998 provides for a statutory aggravation that an offence was motivated by malice or ill-will towards the victim based on their membership (or presumed membership) of a racial group.

The Human Trafficking and Exploitation (Scotland) Bill recently passed by the Parliament, establishes a statutory aggravation that an offence was committed against a background of human trafficking. This recognises that many cases involving other offences, for example, producing false documents, immigration offences, brothel-keeping and drugs offences, are committed in the context of human trafficking, even though there may be insufficient evidence to raise proceedings for a specific human trafficking offence.

A statutory aggravation that an offence or offences involved abuse of a person's partner or ex-partner provides a means of ensuring that the courts formally recognise a victim's experience. By placing a statutory duty on the courts to take this fact into account when sentencing the offender, as they are required to do by existing legislation concerning e.g. offences aggravated by prejudice, victims can have greater confidence that the sentencing decisions of the courts reflect the fact that the offence occurred in the context of an abusive relationship." (paras 13-16)

4. As noted in the petition, despite there being a general offence of assault there are also a number of specific statutory offences dealing with assaults on particular types of person. For example, the Emergency Workers (Scotland) Act 2005 includes an offence dealing with assaults on various people involved in the provision of emergency services.
5. In 2010, Hugh Henry MSP introduced the [Protection of Workers \(Scotland\) Bill](#). It sought to create a specific statutory offence relating to assaults on people whose work brings them into face-to-face contact with members of the public. It was not passed by the Parliament (falling after its general principles were not agreed).
6. Further relevant information on sentencing is set out on the Scottish Sentencing Council's website under the heading of [Sentencing Factors](#).

7. It may be noted that the work of the Scottish Sentencing Council (established in 2015) includes the preparation of sentencing guidelines for consideration by the High Court of Justiciary (Scotland's supreme criminal court). Guidelines do not have effect unless approved by the High Court. When sentencing an offender, the judge must have regard to any sentencing guidelines which are applicable in relation to the case.

### **Conclusion**

8. The Committee is invited to consider what action it wishes to take. Options include —
  - To write to the Scottish Government, Crown Office and Procurator Fiscal Service, Faculty of Advocates, Law Society of Scotland, Police Scotland and Scottish Sentencing Council seeking their view on the petition.
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**

**Public Petitions Committee****13th Meeting, 2017 (Session 5)****Thursday 22 June 2017****PE1637: Ship-to-ship oil transfers and trust port accountability****Note by the Clerk**

<b>Petitioner</b>	Greg Fullarton on behalf of Cromarty Rising
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to ensure that environmental legislation in Scotland is sufficient to prevent ship-to-ship transfers of crude oil in environmentally sensitive locations, such as the Inner Moray Firth, and to enhance the accountability of trust port boards to their stakeholders.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/shiptoshiptransfers">parliament.scot/GettingInvolved/Petitions/shiptoshiptransfers</a>

**Introduction**

1. This is a continued petition that was considered by the Committee for the first time at its meeting on 16 March 2017. At that time the Committee agreed to write to a number of bodies to seek their views on the petition. Responses have been received from the Cabinet Secretary for Environment, Climate Change and Land Reform, the Scottish Environment Protection Agency, Scottish Natural Heritage and the Maritime and Coastguard Agency. These are attached, along with a submission from the petitioner.
2. The Committee is invited to consider the responses and what further action they may wish to take on the petition.

**Submissions received**

3. In relation to the first part of the petition in relation to the sufficiency of environmental legislation.
4. Scottish National Heritage (SNH) refers to the SPICe briefing on the petition which outlines the environmental protection afforded to ship-to-ship transfers under the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010. This includes a requirement that SNH must be consulted on the environmental statement which must accompany an oil transfer licence. The submission explains—

“When consulted, we will advise the MCA on the nature and scale of the likely impacts of the proposal on European interests. We will suggest any mitigating conditions necessary to avoid impacts or reduce them to a level which will not adversely affect site integrity. We will advise whether, in our view, it can be ascertained that the proposal will not have an adverse effect on the integrity of

European sites. If the application does not contain sufficient information to determine the potential impacts, we may request further information (from the MCA) on the proposal and advise on the scope and content of the appropriate assessment, including further survey/analysis necessary on the habitats/species concerned or the factors affecting them. Whilst the appropriate assessment (and its conclusion) is the responsibility of the MCA, we must be consulted, and our advice considered.”

5. In addition to advising on European designated sites, we may advise on other natural heritage interests including; European Protected Species, other protected species, species and habitats that are designated interests of Sites of Special Scientific Interest and Priority Marine Features. We may also advise on any oil spill contingency planning in relation to a ship-to-ship proposal insofar as it affects natural heritage interests.

6. SNH concludes that—

“...in our view, there is legislation in place to ensure that the environmental effects of oil transfers are considered on a site by site basis and there is a competent authority to implement them. These safeguards match the requirements for considering effects of plans or projects on other European sites as well as areas subject to national nature conservation designations and protected species.”

7. SEPA notes that, although it does not have a direct regulatory role in relation to ship-to-ship transfers, it does “work closely with other organisations to ensure that sufficient consideration is given to the risks associated with these activities and that appropriate planning is carried out and contingency steps put in place.”

8. SEPA goes on to state that it considers—

“SEPA considers the scope of the legislation should be sufficient where the competent authority is mindful of the standards set by Scottish domestic legislation and Scottish regional policies as well as the concerns raised by the responsible conservation and environmental agencies. Decisions related to ship to ship transfers are subject to the objectives and policies set out in Scotland’s National Marine Plan which includes ballast water management and the risk of transferring non-native species.”

9. SEPA also includes its response to the Cromarty Firth proposal.

10. The Maritime and Coastguard Agency (MCA) states that it wants to—

“...assure you that safety and protecting the marine environment off the coast of Scotland and the wider United Kingdom are our top priorities. The careful, considered and balanced management of the ship-to-ship application and decision-making process is a matter over which the MCA takes great care, and the Agency welcomes and appreciates the expertise and contributions of all those involved in the consultation process.”

## 11. MCA also notes—

“The UK Government has recently conducted a post-implementation review of the Merchant Shipping (Ship to Ship Transfers) Regulations and is considering what improvements should be made to the oil transfer licencing arrangements, including guidance on applications and their assessment. As part of this exercise, the UK Government will seek views from all the devolved administrations on how the effectiveness of this process can be enhanced.”

## 12. The MCA submission also comments on the specific circumstances of the Cromarty Firth proposal.

## 13. The Cabinet Secretary notes that Scottish Ministers do not have regulatory or legislative powers in relation to the granting of ship-to-ship oil transfer licences as—

“Applications for ship to ship oil transfer licences are considered under The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended. The subject matter of these regulations is wholly reserved to the UK Government, and therefore the Scottish Government has no power to amend the application process provided by them. The regulations do include provisions to ensure that the licensing process complies with Environmental Impact Assessment requirements and the EU Habitats Directive. Ensuring adherence to the proper process is a matter for the Competent Authority, which in this case is the Secretary of State for Transport.”

## 14. On the second part of the petition, in relation to trust port accountability, only the Cabinet Secretary comments stating the “governance model for Trust Ports is well established and supported by Scottish Ministers as well as part of the diverse range of port governance models operating in Scotland.” The Cabinet Secretary goes on to set out—

“Trust Ports are statutory bodies in their own right and their constitution requires them to ensure that the harbour facilities are fit for purpose and are secured for future generations. There are no shareholders and any profits made must be returned to the harbour for this purpose.

This does mean that Trust Ports are operating within a commercial and often competitive environment and it is for their boards to ensure they operate effectively in this way, taking account of stakeholder views, but also to ensure they are complying with the powers set out in their legislation and acting in the best interests of the port overall.”

*Petitioner submission*

## 15. The petitioner disagrees with the Cabinet Secretary’s statement that the Scottish Government has no regulatory power on the basis that “consultation bodies...have powers to influence the process for determining whether a ship to ship oil transfer licence should be granted or not in any case.”

16. In relation to trust port governance, the petitioner comments that “there is no independent oversight or accountability to Scottish Ministers or any other public authority” and that the “Scottish Government Guidelines for Modern Trust Ports are not enforceable in law bringing a lack of governance and ministerial accountability.”
17. The petitioner makes a number of comments that relate to the specific application for a ship-to-ship transfer licence in respect of the Cromarty Firth. In relation to the submissions from SEPA and SNH, the petitioner comments on issues they consider should be followed up regarding issues such as European Protected Species licencing, a possible strategic environmental assessment by the MCA and compliance with Scotland’s National Marine Plan. In relation to any future ship-to-ship transfer activities at Nigg, the petitioner requests the Committee’s support for SNH’s advice being sought on the potential impacts on the bottlenose dolphin population.
18. The petitioner also outlines some information, ascertained via a freedom of information request, about the recent application in relation to the Cromarty Firth.

## **Conclusion**

19. The Committee is invited to consider what action it wishes to take. In considering options for further action, the Committee may wish to consider what actions could be taken in relation to national policy or practice rather than any individual case or matter, or decisions that are the responsibility of other bodies. Options the Committee may wish to consider include —
  - To write to the Cabinet Secretary asking her to confirm that the Scottish Government will provide its views to the UK Government on improvements that could be made to the oil transfer licencing arrangements, and whether, in doing so, it will take into account the views expressed by the petitioner
  - To close the petition under rule 15.7 of Standing Orders on the basis that legislation provides for the Secretary of State to consult the relevant Scottish bodies, that the licencing of ship-to-ship transfers is reserved to the UK Government, and that the Committee does not have a remit to intervene in relation to the specific application in the Cromarty Forth
  - Any other action that the Committee wishes to take.

**Clerk to the Committee**

## Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1637/A: Scottish Natural Heritage submission of 22 May 2017 \(52KB pdf\)](#)
- [PE1637/B: Scottish Environment Protection Agency submission of 22 May 2017 \(76KB pdf\)](#)
- [PE1637/C: Maritime and Coastguard Agency submission of 22 May 2017 \(49KB pdf\)](#)
- [PE1637/D: Cabinet secretary for environment, climate change and land reform submission of 22 May 2017 \(11KB pdf\)](#)
- [PE1637/E: Petitioner submission of 15 June 2017 \(116KB pdf\)](#)

All written submissions received on the petition can be viewed on the petition webpage: <http://www.parliament.scot/GettingInvolved/Petitions/shiptoshiptransfers>.