



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 20 May 2014

Session 4

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JUSTICE COMMITTEE
16th Meeting 2014, Session 4

CONVENER

*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

DEPUTY CONVENER

*Elaine Murray (Dumfriesshire) (Lab)

COMMITTEE MEMBERS

*Christian Allard (North East Scotland) (SNP)
*Roderick Campbell (North East Fife) (SNP)
*John Finnie (Highlands and Islands) (Ind)
*Alison McInnes (North East Scotland) (LD)
*Margaret Mitchell (Central Scotland) (Con)
*John Pentland (Motherwell and Wishaw) (Lab)
*Sandra White (Glasgow Kelvin) (SNP)

*attended

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

Committee Room 3

Scottish Parliament

Justice Committee

Tuesday 20 May 2014

[The Convener *opened the meeting at 09:15*]

Subordinate Legislation

Right to Interpretation and Translation in Criminal Proceedings (Scotland) Regulations 2014 (SSI 2014/95)

The Convener (Christine Grahame): Good morning and welcome to the Justice Committee's 16th meeting in 2014. I ask everyone to switch off mobile phones and other electronic devices completely, as they interfere with the broadcasting system even when they are switched to silent. No apologies have been received.

Agenda item 1 is consideration of four negative instruments. The purpose of the first instrument, the Right to Interpretation and Translation in Criminal Proceedings (Scotland) Regulations 2014 (SSI 2014/95), is to give suspected or accused persons who require it the statutory right to interpretation in police custody and during police questioning, and in criminal proceedings before a court. The regulations came into force on 19 May. The Delegated Powers and Law Reform Committee considered the regulations at its meeting on 22 April and agreed that it did not need to draw the Parliament's attention to them on any grounds within its remit.

As members have no comments, are we content to make no recommendation on the regulations?

Members *indicated agreement.*

Firemen's Pension Scheme (Amendment No 2) (Scotland) Order 2014 (SSI 2014/108)

Firefighters' Compensation Scheme (Scotland) Amendment Order 2014 (SSI 2014/109)

Firefighters' Pension Scheme (Scotland) Amendment (No 2) Order 2014 (SSI 2014/110)

The Convener: The purpose of the three orders is to provide retained firefighters with equal treatment to that of whole-time firefighters and comparable rights, following new employment legislation in 2000. The orders come into force on 23 May.

The DPLR committee considered SSI 2014/108 at its meeting on 13 May 2014 and agreed not to draw the Parliament's attention to the order.

Do members have any comments on the order? Are you there?

Members: Yes.

The Convener: Do you have any comments?

Members: No.

The Convener: In that case, are members content to make no recommendation in relation to the order?

Members *indicated agreement.*

The Convener: The DPLR committee agreed to draw SSI 2014/109 to the Parliament's attention as it contains a minor drafting error—that old one—namely, that the word “his” was included in paragraph 11(c) of the schedule in error. Somebody must have been dreaming. The word should have been omitted, because the order is otherwise drafted in gender-neutral terms. Hear, hear, we say to that.

Do members have any comments on the order?

John Finnie (Highlands and Islands) (Ind): I simply want to say that we should welcome these orders. The bulk of the landmass of Scotland is covered by retained firefighters, so we should welcome the fact that they will have parity with their full-time equivalents.

The Convener: Could that apply in the Highlands and Islands, by any chance?

John Finnie: It could indeed.

The Convener: Good. I am glad to hear that—and in the Borders. Let us not all pitch in with our patches.

As members have no comments, other than that rather good one by John Finnie, are we content to make no recommendation on the order?

Members *indicated agreement.*

The Convener: The DPLR committee agreed to draw SSI 2014/110 to the attention of the Parliament because paragraph 1(a)(iv) of the schedule is defectively drafted and there are other minor drafting errors. In responding to those issues, the Scottish Government accepted the points that the DPLR committee raised and agreed to lay an amending instrument that will correct the errors that have been identified with the present instrument prior to its commencement on 23 May.

Do members have any comments on the order? I do not know if you are still alive—I cannot hear a thing.

Christian Allard (North East Scotland) (SNP):
No comment.

Elaine Murray (Dumfriesshire) (Lab): No comment.

The Convener: Thank you very much.

Are members content to make no recommendation in relation to the order?

Members *indicated agreement.*

Act of Sederunt (Fitness for Judicial Office Tribunal Rules) 2014 (SSI 2014/99)

The Convener: Agenda item 2 is consideration of the Act of Sederunt (Fitness for Judicial Office Tribunal Rules) 2014 (SSI 2014/99). The instrument is not subject to any parliamentary procedure. The DPLR committee considered the instrument on 22 April and agreed to draw it to the attention of the Parliament due to—wait for it—defective drafting in three areas, and because the meaning of rule 6(2)(a) could be clearer. I tell you, they needed my primary teacher Miss Campbell—she would never have allowed this. The Lord President's private office intends to lay a corrective instrument that rectifies those errors. The relevant extract from the DPLR committee's report is reproduced on page 2 of paper J/S4/14/16/2.

As there are no comments on the instrument, are members content to note it and to endorse the conclusions in the DPLR committee report?

Members *indicated agreement.*

Annual Report

09:19

The Convener: We move on to our annual report, which covers our work during the parliamentary year from 11 May 2013 to 10 May 2014. The draft annual report is available for members' consideration. Do members have any comments on the draft?

John Finnie: I have three minor points.

The Convener: I hope that they are not minor drafting errors, or you could be shifted to another committee.

John Finnie: No, they are not. It is a superbly drafted document—there is no doubt about that.

In paragraph 20, which deals with legislative consent memorandums, could we refer to our frustrations about the timeframe within which we were expected to deliberate?

The Convener: Yes. I think that we get the gist. The committee can draw attention to the fact that we are not pleased—or whatever the wording is—about that, particularly with memorandums that were of extreme relevance. We did not have time to do much with them.

John Finnie: I have two other minor points. In paragraph 23, which deals with European Union engagement, could we make a passing reference to the negative implications of the opt-out, because that is what we heard from the Lord Advocate, Police Scotland, the Minister for Community Safety and Legal Affairs and the House of Lords?

The Convener: Is everybody happy with that?

Members *indicated agreement.*

John Finnie: My final point is on paragraph 31. The second sentence in the paragraph states:

"The Act replaced the eight territorial police forces in Scotland with one national force".

Although that is not incorrect, I think that we need to add that the national force also replaced the central services.

The Convener: Right. Well done, John—that bacon roll hasn't half worked.

Are there any other comments?

Roderick Campbell (North East Fife) (SNP): I accept that the report covers our work to 10 May but, for general information, I have a question about Karen Bradley's visit last week, which was cancelled. Do we have an update on what is planned?

The Convener: No, we do not. We are following that up—the carrier pigeon is off. We are chasing that up, because it was disappointing. It might not be her fault, of course.

With those comments, are members content to agree the annual report for publication?

Members *indicated agreement.*

The Convener: We have no meeting next week. Our next meeting will be on 3 June, when we will take evidence on the Taylor review and consider petitions.

Meeting closed at 09:22.

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