



OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Committee

Tuesday 1 December 2020

Session 5



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Pàrlamaid na h-Alba

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JUSTICE COMMITTEE

31st Meeting 2020, Session 5

CONVENER

*Adam Tomkins (Glasgow) (Con)

DEPUTY CONVENER

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

COMMITTEE MEMBERS

*Annabelle Ewing (Cowdenbeath) (SNP)

*John Finnie (Highlands and Islands) (Green)

*Rhoda Grant (Highlands and Islands) (Lab)

*Liam Kerr (North East Scotland) (Con)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*Shona Robison (Dundee City East) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Ash Denham (Minister for Community Safety)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

Virtual Meeting

Scottish Parliament

Justice Committee

Tuesday 1 December 2020

[The Convener opened the meeting at 10:00]

Interests

The Convener (Adam Tomkins): Good morning, and welcome to the 31st meeting in 2020 of the Justice Committee.

I start by paying tribute to James Kelly for all his hard work on the Justice Committee and the Justice Sub-Committee on Policing. I am sure that the committee wishes him well in any new role that he takes on.

I am pleased to welcome Rhoda Grant MSP as a new member of the Justice Committee, and I invite her to declare any relevant interests.

Rhoda Grant (Highlands and Islands) (Lab): Good morning. I do not think that I have any relevant interests to declare. However, I note that I am a member of Unison and the Scottish Co-operative Party, and that I have the services of a Christian Action Research and Education intern.

Justice Sub-Committee on Policing (Membership)

10:01

The Convener: The next item on the agenda is to invite members to agree that I write to the Parliamentary Bureau indicating that Rhoda Grant should become a member of the Justice Sub-Committee on Policing. A briefing paper on the process has been circulated by the committee clerks. Does anyone disagree? I see no members indicating that they disagree. Thank you.

Subordinate Legislation

Civil and Family Justice (EU Exit) (Scotland) (Amendment etc) Regulations 2020 [Draft]

10:01

The Convener: Our next item of business today is consideration of an affirmative instrument. I welcome Ash Denham MSP, the Minister for Community Safety, and her officials to the meeting. I invite the minister to make a brief opening statement.

The Minister for Community Safety (Ash Denham): Thank you, convener, and good morning.

I would like to introduce the draft Civil and Family Justice (EU Exit) (Scotland) (Amendment etc) Regulations 2020. The areas covered by the regulations are varied, including provisions on cross-border mediation, civil status documents, legal services, legal aid, family law and transitional matters.

The regulations are a consequence of the United Kingdom's departure from the European Union and the forthcoming end of the implementation period. They reflect the fact that current reciprocal arrangements between the UK and EU member states as a consequence of EU provisions will no longer exist.

The regulations revoke legislation that partially implemented the EU regulation on cross-border mediation, as the reciprocity on which the mediation directive is based will no longer apply. They also amend legislation that implemented the EU regulation on legal aid as, again, reciprocity will no longer apply.

The regulations invoke a Scottish statutory instrument on fees charged for issuing multilingual translation aids, as under the EU regulation on the mutual acceptance of civil status documents. They also make some amendments to two existing EU exit SSIs that are not yet in force.

Finally, the regulations make some transitional provisions in respect of matters and procedures begun but not completed before the end of the implementation period, in order to continue existing legislation in relation to such cases.

The Scottish Government considers that EU exit is not beneficial for Scotland. However, we need to implement relevant measures to address issues that arise from the UK's withdrawal from the EU.

I am grateful for the opportunity to introduce the SSI.

The Convener: Thank you very much, minister. No member has indicated that they want to ask a question—if I misunderstood that, now is the opportunity to say so.

We will move on to the next item, which is formal consideration of the motion on the instrument. The Delegated Powers and Law Reform Committee has considered and reported on the instrument and had no comments. I ask the minister to move motion S5M-23183; if necessary, there will then be an opportunity for a formal debate.

Motion moved,

That the Justice Committee recommends that the Civil and Family Justice (EU Exit) (Scotland)(Amendment etc.) Regulations 2020 [draft] be approved.—[*Ash Denham*]

Motion agreed to.

The Convener: I invite the committee to agree to delegate to me the publication of a short, factual report on our deliberations on this SSI.

Members indicated agreement.

The Convener: That concludes consideration of the regulations. I thank the minister and her officials for attending our meeting this morning.

Criminal Justice (EU Exit) (Scotland) (Amendment etc) Regulations 2020 (SSI 2020/339)

The Convener: Our next item of business is consideration of a negative instrument. No member has indicated that they have any comment to make. Members have a paper that outlines the instrument in detail. Do members have any comments? No member is indicating that they have a comment. Are members therefore content not to make any comment to Parliament on the instrument? I see that members are content.

Justice Sub-Committee on Policing (Report Back)

The Convener: The next item of business is to consider feedback from the recent meeting of the Justice Sub-Committee on Policing. I thank John Finnie and the clerks for the paper containing a summary of the discussion. I invite John Finnie to make comments on that paper, if he wishes to.

It does not appear that any member wants to make a comment, so the committee will note the paper.

That brings the public part of this meeting to a close. The committee will meet again on 8 December, when we expect to continue discussions on our draft stage 1 report on the Hate Crime and Public Order (Scotland) Bill.

I now close the public part of the meeting and invite members to move over to Microsoft Teams, where we will continue in private.

10:07

Meeting continued in private until 11:19.

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