



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Delegated Powers and Law Reform Committee

Tuesday 4 June 2024

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
19th Meeting 2024, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

Jeremy Balfour (Lothian) (Con)

*Foyso Choudhury (Lothian) (Lab)

*Tim Eagle (Highlands and Islands) (Con)

*attended

CLERK TO THE COMMITTEE

Greg Black

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 4 June 2024

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Welcome to the 19th meeting in 2024 of the Delegated Powers and Law Reform Committee. We have received apologies from Jeremy Balfour MSP. I remind everyone to switch off, or put to silent, mobile phones and other electronic devices.

Before we move to the first item on the agenda, I take this opportunity, on behalf of the committee, to thank Oliver Mundell MSP for his hard work and thoughtful contribution to the committee. Oliver recognised the importance of the committee's work and was a dedicated member of it. We wish him all the best for the future.

The first item of business is to decide whether to take item 3 in private. Is the committee content to take item 3 in private?

Members indicated agreement.

Instrument subject to Affirmative Procedure

10:00

The Convener: Under agenda item 2, we are considering one instrument, on which no points that engage the reporting grounds have been raised.

Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations 2024 [Draft]

The Convener: Is the committee content with the instrument?

Members indicated agreement.

The Convener: The instrument is being considered under an expedited procedure. The committee may wish to draw the attention of the lead committee to certain aspects of it. The instrument makes provision for the early release of certain prisoners in response to what the Scottish Government has described as "an emergency situation" across the Scottish prison estate.

The instrument also prescribes certain victim support organisations so that they may be nominated by a victim of crime to receive information concerning the person who committed an offence against the victim, including the date of their release from prison.

First, does the committee wish to draw to the attention of the lead committee that the draft instrument has the effect that a prisoner who is sentenced on a date between 13 June and 16 July 2024 could, in certain circumstances, be released the next day, and that the Scottish Government has indicated that that is in line with the policy intention?

Members indicated agreement.

The Convener: Does the committee wish to draw to the attention of the lead committee the fact that, although the explanatory note and policy note state that the first group of prisoners will be released between 26 and 27 June, the draft instrument does not provide that 26 June is the earliest permitted release date and that, therefore, under regulation 3(2), the first group of prisoners could, in theory, be released from 13 June?

Members indicated agreement.

The Convener: Finally, in relation to regulation 4, which concerns notification to victims of a prisoner's release date, does the committee wish to draw the attention of the lead committee to the fact that, due to the timing of commencement of the provisions, there is not much time for the

necessary administrative processes to be put in place before individuals begin to be released early?

Members *indicated agreement.*

The Convener: That concludes the public part of the meeting, and I will move the committee into private.

10:03

Meeting continued in private until 10:23.

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The deadline for corrections to this edition is:

Tuesday 2 July 2024

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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