

Criminal Justice Committee

28th Meeting, 2022 (Session 6), Wednesday 9 November 2022

Recent correspondence

Note by the clerk

Purpose of the paper

1. This paper invites Members to consider several items of correspondence received by the Committee (see **Annex**), namely:

From the Cabinet Secretary for Justice and Veterans

- Letter on the **Short Life Working Group on Facilitating Peaceful Assemblies** (page 3);

From the Solicitor General

- Letter on **litigation following the prosecution of individuals in respect of the acquisition and administration of Rangers Football Club** (page 5).

Action

2. **Members are invited to consider the correspondence and any suggested follow-up and discuss what action, if any, they wish to take.**
3. For the convenience of Members, the suggested follow-up for each of the letters is as follows:

Scottish Government	
Letter on the Short Life Working Group on Facilitating Peaceful Assemblies	To note the correspondence received and the report from the Working Group, and await the further update from the Cabinet Secretary
Solicitor General	
Letter on litigation following the prosecution of individuals in respect of the acquisition and administration of Rangers Football Club	To discuss the correspondence received and advise the clerks on what, if any, follow-up to take.

**Clerks to the Criminal Justice Committee
November 2022**

Letter on the Short Life Working Group on Facilitating Peaceful Assemblies

Dear Convener

Marches and parades

The Scottish Government remains committed to taking a human rights based approach to marches and parades, and to achieving the correct balance between the rights of those seeking to participate in processions and the rights of the communities that are impacted by these events. I would like to inform you that today I have published the report of the Short Life Working Group on Facilitating Peaceful Assemblies in Scotland which can be found here:

<https://www.gov.scot/isbn/9781804358184>.

You will recall that I established the Working Group to consider whether there was anything that could be learned from the Parades Commission model used in Northern Ireland and, if so, whether that could be adapted for use in Scotland. However, the Working Group was not confined to this question, and it was open to them to consider how the process of notifying and running marches and parades in Scotland could be enhanced or improved.

The Working Group took evidence from a wide range of stakeholders and interest groups in both Scotland and Northern Ireland and have arrived at 18 conclusions and recommendations. I believe that these provide us with a good basis for testing potential improvements in relation to marches and parades that will move us towards achieving the correct balance of rights that we all want, and which will have a positive impact on communities across Scotland. I recognise that many of the proposals need to be considered and developed further before we could commit to taking action in response, and am therefore committing to working with partners to develop a pilot programme which will allow us to test and gather evidence on the effectiveness and practical application of key conclusions and recommendations.

The Scottish Government will now work with local authorities; COSLA; Police Scotland; and human rights experts to develop a pilot based on the conclusions and recommendations. While there is a lot of work to be done on the conclusions and recommendations, I would like to offer a few initial comments:

- The Working Group recommends that a national parades' commission is not necessary in the context in Scotland, as improvements could be best handled by local partners and I have accepted this recommendation. (conclusion/recommendation 1).
- The Working Group's report has a strong focus on human rights, and I am fully supportive of a human rights approach to all considerations relating to marches and parades (conclusion/recommendation 2).
- Proposals on whether Local Authorities should be empowered to impose conditions on march related counter-protests and/or on the supporters of

processions could help to tackle the antisocial behaviour that is associated with some marches, however, the key consideration here is again human rights and I am keen to explore what, if anything, is possible and desirable (conclusion/recommendation 10).

- A key finding is that the issue of ‘disruption of the life of the community’, which is a criteria at the moment, needs to be explored further particularly in relation to communities in which frequent and multiple numbers of marches and parades take place. I believe that a better understanding of this criteria is central to improving the lives of communities across Scotland, however, I am also clear that building a better understanding of how this should be applied has to be done within the context of human rights and I would not favour a ridged quota system which does not allow each march notification to be considered on an individual basis and recognise that this need to be explored and tested further (conclusion/recommendation 13).
- The Working Group has suggested extending the capacity of some Local Authorities (Glasgow in particular) to collect a wider range of evidence and looking at the potential to constitute the Processions Committee in Glasgow in a different way by appointing and involving independent civic actors. I have spoken to the Working Group, and it is important to note that this is not a criticism of the current practices of Glasgow City Council, which they were in fact very positive about, rather it is an attempt to build on those practices in a constructive way. It recognises that there have been particular problems with marches and parades in Glasgow and seeks to find a way to help address them. The proposal to include civic actors, while not seeking to take the decision making out of the hands of the council, is something that I would be interested to see explored further (conclusion/recommendation 15).
- I strongly believe that dialogue and mediation have a central role to play in this work and agree with the Working Group that this is an important part of improving relationships around processions and related protests. I am already supporting work in relation to dialogue in Glasgow through the independent Centre for Good Relations and will be looking at how this can be built on as we go forward (conclusion/recommendation 16).

I hope this reassures that the Scottish Government is alive to the impact that marches and parades have in Scotland and that we continue to seek the best ways in which the rights of marchers and communities can be best balanced to ensure that the human rights of all are fully and properly considered within the process for notifying processions in Scotland. I will write to you again in due course to update you on progress in taking this work forward.

Keith Brown MSP

Letter on litigation following the prosecution of individuals in respect of the acquisition and administration of Rangers Football Club

NB. The clerks to the Committee understand from Crown Office officials that the final interlocutors have issued in the case referred to below and this action is no longer sub judice.

15 September 2022

Dear Convener

I apologise for the timing of this correspondence, coming as it does during the period of national mourning for Her Majesty Queen Elizabeth II. However, I am mindful of an undertaking to share with the committee, when possible, developments in the ongoing litigation following the prosecution of individuals in respect of the acquisition and administration of Rangers Football Club. I am aware of recent media coverage of certain matters and therefore have decided that this communication is necessary to maintain my obligation to you, whilst observing the utmost respect for the memory of Her Majesty.

As you are no doubt aware, the events that led to these litigations predated the tenure of the current Law Officers. I am providing instruction on these cases on behalf of the Law Officers as the Lord Advocate is recused.

The purpose in my writing to you is to inform that on 7 September a mediation took place in respect of the action raised by Kroll Advisory Limited (formerly Duff & Phelps).

The action relates to the decision to prosecute David Whitehouse and Paul Clark, both employees of Kroll, for their role in the acquisition of Rangers Football Club by Craig Whyte, the placing of the club in administration and its subsequent sale. The pursuer in this case was not prosecuted, but secondary persons can make a claim for losses caused by misfeasance in public office.

I am fully aware of the pressure the public purse is under at present and my instructions have been to seek settlement on the best possible terms. The decision to settle the action is based on legal advice which is itself informed by credible evidence in terms of vouching. At the mediation, parties have agreed to settle the action on the basis that there is no admission of liability and that a payment of £15.475 million be made to Kroll. This sum includes a provision for the pursuers costs and represents a full and final settlement for this action.

Other directly related matters remain unresolved and therefore I am limited in what information I can properly share at this time. However, on behalf of the Law Officers and the Crown I reiterate the commitment to support future public accountability, including the expectation that there will be a form of judge-led inquiry in due course.

CJ/S6/22/28/5

I must stress to you that proceedings remain live until the case is discharged by the court. On this basis this information is confidential until the proceedings have been formally concluded.

Yours sincerely

RUTH CHARTERIS, KC
Solicitor General for Scotland