

Justice Committee

UK Government's 2014 opt-out decision

Letter from the Convener to the Chief Constable, Police Scotland

As you may be aware, the Justice Committee has been monitoring developments in relation to the UK Government's 2014 opt-out decision since the Home Secretary's announcement in October 2012 that the UK Government was likely to opt out of all police and criminal justice measures adopted prior to the Lisbon Treaty. We have taken particular interest in the work of the House of Lords EU Select Committee's Sub-Committees on this matter, including the written and oral evidence provided by the Lord Advocate and Scottish organisations such as the Faculty of Advocates, ACPOS and the Law Society. Given that the Scottish perspective was being aired in this way, the Justice Committee agreed not to undertake any additional evidence-gathering on the opt-out at that time.

The Committee is however aware of concerns surrounding the practical implications of the opt-out for Scotland, including the potential dangers if there was a gap between the block opt-out coming into effect and opting back into individual measures, such as the European Arrest Warrant. We are also aware of concerns that the European Judicial Network is not included in the list of 35 measures which the UK Government intends to negotiate to opt back in to.

At our meeting on 15 January, the Committee agreed to write seeking your views on the implications for Scotland of the block opt-out and in particular any consequences of not opting back into around 95 of the pre-Lisbon police and criminal justice measures. We also intend to write to the Lord Advocate, Faculty of Advocates and Law Society of Scotland on this matter.

The Committee further agreed to hold an evidence session on these issues with the Cabinet Secretary for Justice on 11 March.

The Committee would therefore be grateful for your comments by 27 February.

Christine Grahame MSP
Convener, Justice Committee
17 January 2014