

RESTRICTED

Committee has identified its key concerns for Stage 2 as centring around the groups of emergency workers listed for the Bill's protection; the definition of emergency circumstances; and the definition of accident and emergency premises in which a constant state of emergency is deemed to exist. Of these, the issue of emergency circumstances is likely to be the most problematic. The Justice 1 Convenor may permit an amendment extending the Bill's protection to emergency workers when "on duty" rather than only when responding to emergency circumstances. As the Parliamentary authorities have advised that this amendment would be outwith the scope of the Bill, the Convenor would be breaching Parliamentary convention in permitting the amendment, and potentially opening the floodgates for other, previously inadmissible amendments to this Bill and to future legislation. Mr McCabe will table separate briefing on this issue for discussion at Cabinet.

24. The Public Petitions Committee decided to seek a debate in Parliament on the petition of Mr Daly seeking an **Inquiry into abuse in List D and other residential establishments**. This Committee debate is now scheduled for the afternoon of Wednesday, 1 December. Mr Peacock appeared before the Committee on 29 September to explain and apologise for the delay in the Executive responding to the petition. Mr Peacock: reiterated that the Executive does not plan to hold an Inquiry; outlined actions that the Executive is taking to address the needs of survivors and to ensure such abuse cannot happen again; acknowledged that abuse took place and expressed profound sorrow about the damage that had been caused to individuals. Mr Peacock told the Committee that the Scottish Law Commission had been asked by Ms Jamieson to undertake a review of the law on limitation which currently stops many survivors from bringing civil cases to court. The Committee expressed concern at the length of time any such review would take. Since 29 September officials have met with the In Care Abuse Survivors Group (INCAS), of which Mr Daly is a member, to explore what further action the Executive might take to meet the needs of survivors. Mr Peacock is also due to meet with INCAS on Tuesday, 23 November 2004.

25. Karen Whitefield MSP is consulting on a proposed Member's bill to **prohibit trading by large (over 3,000 square feet) retail outlets on Christmas and New Year's Day**. The Union of Shop, Distributive and Allied Workers has also called for legislation. As an alternative to the bill the Scottish Retail Consortium (SRC) suggested that an agreement be signed by all its members who open up on New Year's Day, that they will take steps to ensure staff do not feel obliged to work on that day. The SRC believe Christmas Day is a separate issue, as no retailer will ever open on that day due to low consumer demand. The Executive appreciates the concerns of staff who are or may be required to work on these days. The Executive is aware that; to regulate shop trading hours on these days would set a regulatory precedent and add to burdens on business; the SRC reported that none of its members opened on Christmas Day 2003; and there are concerns that a prohibition on trading on New Year's Day would have a negative impact on tourism. The Executive reserves its position on the opening of large retail stores on these days until the outcome of the public consultation is known.

Bills Active in Parliament

26. **Annex C** tracks progress of Bills proceeding through Parliament and indicates any areas of controversy.