

Criminal Law and Licensing Division

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Fergus D. Cochrane
Clerk
Public Petitions Committee
The Scottish Parliament
Edinburgh EH99 1SP



13 May 2010

Dear Mr Cochrane

Consideration of Petition PE 1169

Thank you for your letter of 22 April 2010 about Petition PE 1169, seeking a response to specific points raised during the Committee's meeting on 20 March. The Scottish Government's answers are set out below:

Do you support the recommendations made in the Papadopoulos review on "Sexualisation of Young People" that the existing voluntary code for retailers regarding the placement of 'lads' mags' should be replaced by a mandatory code and that 'lads' mags' should be marked clearly as recommended for sale only to persons aged 15 and over?

The Scottish Government notes that the *Review* does not provide any evidence regarding adherence to the voluntary code. In the absence of evidence of widespread non – adherence to the code the Scottish Government continues to take the view that the implementation of a new regulatory regime would not appear to be a proportionate response. Legislation currently restricts the display of obscene or indecent material but lesser material does not clearly justify Government intervention of that nature and the consequent expenditure of police and other public sector resources to ensure that those restrictions can be enforced.

It is not clear to me how the recommendation that these magazines should be marked as recommended for sale only to persons 15 and over is proposed to be delivered and enforced. Indeed, as this recommendation does not directly impact on the shelving and sleeving of these magazines, it is not directly relevant to the proposals made by the petition. However, in so far as any legislative change is proposed, product labelling for the purposes of consumer protection is a reserved

matter. As you are aware, the Scottish Government cannot legislate on reserved matters which are for the UK Government to consider and take action on.

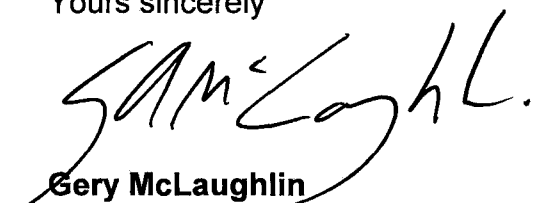
What actions can you take in relation to these specific recommendations that will progress the matters raised in the petition?

The only recommendation in the *Review* that relates specifically to the matters raised in the petition is replacement of the voluntary code with a mandatory code. As the Cabinet Secretary for Justice stated in his letter of 23 November 2009, the Scottish Government is happy that the Committee takes forward research on adherence to the code and we will consider what action should be taken once the information is available.

The age restriction recommendation is not directly relevant to the matters raised in the petition, which refers only to the placement or sleeving of these magazines. The Scottish Government is sympathetic to this issue. However, insofar as it is reserved as described above, it is a matter for the UK Government and the Scottish Government cannot take forward legislation to change this.

I hope the above is helpful

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gery McLaughlin', written in a cursive style.

Gery McLaughlin
Criminal Law & Licensing Division