



# The Scottish Parliament Pàrlamaid na h-Alba

## MINUTES OF PROCEEDINGS

**Vol. 2, No. 6 Session 4**

**Meeting of the Parliament**

**Thursday 31 May 2012**

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 9.30 am.

**1. Business Motion:** Bruce Crawford, on behalf of the Parliamentary Bureau, moved S4M-03112—That the Parliament agrees that, during stage 3 of the Land Registration etc. (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 4: 1 hour.

The motion was agreed to.

**2. European Strategy and Other Minor Rule Changes:** Dave Thompson, on behalf of the Standards, Procedures and Public Appointments Committee, moved S4M-0352—That the Parliament notes the Standards, Procedures and Public Appointments Committee's 1st Report 2011 (Session 4), *Minor Standing Orders Rule Changes* (SP Paper 25) and 1st Report 2012 (Session 4), *European Strategy* (SP Paper 59), and agrees that changes to Standing Orders set out in Annexe A of the 1st Report 2011, other than those agreed to by motion S4M-01347, and in the annexe to this motion be made with effect from 20 August 2012.

Annexe

## **Proposed Changes to Standing Orders**

### **CHAPTER 5: THE PARLIAMENTARY BUREAU AND MANAGEMENT OF BUSINESS**

#### **Rule 5.4 Business programme**

In Rule 5.4.2(b), for “Communities” substitute “Union”.

### **CHAPTER 6: COMMITTEES**

#### **Rule 6.2 Functions of all committees**

In Rule 6.2.2(c), for “Communities” substitute “Union”.

#### **Rule 6.8 European and External Relations Committee**

In Rule 6.8.1(a), for “Communities” substitute “Union”.

In Rule 6.8.1(b), after “Communities” insert “and European Union”.

In Rule 6.8.1(d), for “European Communities (and their institutions)” substitute “European Union (and its institutions)”.

Insert a new Chapter 10A—

### **“CHAPTER 10A**

#### **PROPOSALS FOR EUROPEAN UNION LEGISLATION**

##### **Rule 10A.1 Proposal for European Union legislation**

1. In this Chapter-

(a) “end date” means the last date of the 8 week period, by which the UK Parliament can issue a reasoned opinion on an EU legislative proposal in terms of Article 6 of the Subsidiarity Protocol;

(b) “EU legislative proposal” is a proposal for the adoption of a legislative act to which the Subsidiarity Protocol applies;

(c) “principle of subsidiarity” refers to the principle that the European Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at European Union level; and

(d) “Subsidiarity Protocol” means the Protocol (No. 2) on the Application of the Principles of Subsidiarity and Proportionality annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

## **Rule 10A.2 Referral to lead committee**

1. Where the UK Government, the UK Parliament or the Scottish Executive brings to the attention of the Parliament any EU legislative proposal (or part of such proposal) as raising a concern in relation to compliance with the principle of subsidiarity, the proposal shall be considered by the committee within whose remit the subject matter of the proposal falls (“the lead committee”).
2. Where the subject matter of an EU legislative proposal falls within the remit of more than one committee, the Parliamentary Bureau shall designate one of those committees as the lead committee.

## **Rule 10A.3 Consideration of proposal for European Union legislation**

1. Where an EU legislative proposal has been referred to a lead committee in terms of Rule 10A.2, that committee shall consider the EU legislative proposal and report to the Parliament if it considers that the proposal does not comply with the principle of subsidiarity.
2. Where the lead committee so considers that an EU legislative proposal does not comply with the principle of subsidiarity, the Convener of that committee shall by motion propose that the Parliament agrees that the EU legislative proposal does not comply with the principle of subsidiarity. The Parliamentary Bureau shall allocate such time for debate on the motion as it considers appropriate.
3. Where an EU legislative proposal is referred to a lead committee in terms of Rule 10A.2, and the lead committee decides having regard to the end date that there is an insufficient period remaining for report by the committee and a debate on a motion in terms of paragraph 2, the Presiding Officer shall notify the UK Parliament of any concerns of the lead committee that the proposal does not comply with the principle of subsidiarity.
4. Where an EU legislative proposal is referred to a lead committee in terms of Rule 10A.2 while the Parliament is in recess for more than 4 days, the Presiding Officer may notify the UK Parliament of any concerns indicated by the Convener on behalf of the lead committee that the proposal does not comply with the principle of subsidiarity.”

## **CHAPTER 12: COMMITTEE PROCEDURES**

### **Rule 12.6.2 Reporters**

Insert new Rule 12.6.2—

“Each subject committee and the Equal Opportunities Committee shall appoint a committee member (other than a committee substitute) (referred to as a “European Reporter”) to bring to the attention of the committee any European Union (“EU”) issue, proposal for EU legislation, or implementation of European Communities or EU legislation, as he or she may determine is appropriate.”

After debate, the motion was agreed to (DT).

**3. Land Registration etc. (Scotland) Bill - Stage 3:** The Bill was considered at Stage 3.

The following amendments were agreed to (without division): 2, 3, 4 and 5

Amendment 1 was disagreed to (by division: For 37, Against 73, Abstentions 0)

The following amendments were moved and, with the agreement of the Parliament, withdrawn: 6 and 7

**4. Land Registration etc. (Scotland) Bill - Stage 3:** The Minister for Energy, Enterprise and Tourism (Fergus Ewing) moved S4M-03070—That the Parliament agrees that the Land Registration etc. (Scotland) Bill be passed.

After debate, the motion was agreed to (DT).

**5. General Question Time:** Questions were answered by Cabinet Secretaries and Ministers.

**6. First Minister's Question Time:** Questions were answered by the First Minister (Alex Salmond).

**7. Themed Question Time:** Questions on Education and Lifelong Learning were answered by the Cabinet Secretary and Ministers.

**8. Scotland's Future:** The First Minister (Alex Salmond) moved S4M-03113—That the Parliament agrees that Scotland should be an independent country; sees it as the responsibility of this generation to hand over a better country to the next generation than the one inherited, and believes that it is vital for the people of Scotland to take full responsibility for the decisions about the future of Scotland.

Johann Lamont moved amendment S4M-03113.3—

Leave out from “agrees” to end and insert—

“believes that it is in Scotland’s best interest to remain part of the United Kingdom; believes that the UK is stronger together and weaker apart; further believes that Scotland has achieved a great deal as part of the UK and can achieve so much more, and further believes that by remaining in a devolved UK the next generation will inherit a more prosperous, confident Scotland.”

After debate, the amendment was disagreed to ((DT) by division: For 51, Against 70, Abstentions 0).

The motion was then agreed to (DT) by division: For 69, Against 52, Abstentions 0).

**9. Decision Time:** The Parliament took decisions on items 2, 4 and 8 as noted above.

**10. Improvements to the A75:** The Parliament debated S4M-02399 in the name of Elaine Murray—That the Parliament notes with great concern the spate of recent accidents on the A75 Stranraer to Gretna trunk road, including two fatalities, and believes that urgent action is required to improve the safety of this road.

The meeting closed at 5.40 pm.

**P E Grice**  
Clerk of the Parliament  
31 May 2012

**Appendix**  
**(Note: this Appendix does not form part of the Minutes)**

**Subordinate Legislation**

**Negative instruments**

The following instruments were laid before the Parliament on 31 May 2012 and are subject to the negative procedure—

Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Amendment Regulations 2012 (SSI 2012/170)  
laid under section 86 of the Adults with Incapacity (Scotland) Act 2000

National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Amendment Regulations 2012 (SSI 2012/171)  
laid under section 105 of the National Health Service (Scotland) Act 1978

Individual Learning Account (Scotland) Amendment Regulations 2012 (SSI 2012/172)  
laid under section 3(1) of the Education and Training (Scotland) Act 2000

Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012 (SSI 2012/173)  
laid under section 26 of the Wildlife and Countryside Act 1981

Wildlife and Countryside Act 1981 (Keeping and Release and Notification Requirements) (Scotland) Order 2012 (SSI 2012/174)  
laid under section 26 of the Wildlife and Countryside Act 1981 and section 42(3) of the Wildlife and Natural Environment (Scotland) Act 2011

Poultry Health Scheme (Fees) (Scotland) Regulations 2012 (SSI 2012/176)  
laid under section 56(4) of the Finance Act 1973

Trade in Animals and Related Products (Scotland) Regulations 2012 (SSI 2012/177)  
laid under under paragraph 2(2) of Schedule 2 to the European Communities Act 1972

African Horse Sickness (Scotland) Order 2012 (SSI 2012/178)  
laid under section 1 of the Animal Health Act 1981 and Schedule 2 to the European Communities Act 1972

Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2012 (SSI 2012/179)  
laid under paragraph 2(2) of Schedule 2 to the European Communities Act 1972

Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012/180)

laid under section 30(3) of the Property Factors (Scotland) Act 2011

Property Factors (Registration) (Scotland) Regulations 2012 (SSI 2012/181)

laid under section 30(3) of the Property Factors (Scotland) Act 2011

Leader Grants (Scotland) Amendment Regulations 2012 (SSI 2012/182)

laid under paragraph 2(2) of Schedule 2 to the European Communities Act 1972

Marine Licensing (Fees) (Scotland) Amendment Regulations 2012 (SSI 2012/183)

laid under section 316(8) of the Marine and Coastal Access Act 2009 and section 165(4) of the Marine (Scotland) Act 2010

### **Laid only instruments**

The following instrument was laid before the Parliament on 31 May 2012 and is not subject to any Parliamentary procedure—

Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 4, Savings and Transitional Provisions) Order 2012 (SSI 2012/175 (C.16))

laid under section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010

### **Other Documents**

The following document was laid before the Parliament on 31 May 2012 and is subject to Parliamentary procedure—

Succession Planning & Reappointments – Material Non Compliance with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland (CPA/2012/02) —

laid under section 2(8)(a) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003

### **Legislative Consent Memorandum**

The following memorandum was lodged on 31 May 2012—

John Swinney: Legislative Consent Memorandum on the Local Government Finance Bill (UK Parliament Legislation) (LCM(S4) 12.1)

## **Committee Reports**

The following reports were published on 31 May 2012—

Education and Culture Committee, 6<sup>th</sup> Report, 2012 (Session 4): The Educational Attainment of Looked after Children (SP Paper 140)

Justice Committee, 6th Report, 2012 (Session 4): Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Office or Body as Specified Authority) Order 2012 (SP Paper 141)

Subordinate Legislation Committee, 30<sup>th</sup> Report, 2012 (Session 4): Subordinate Legislation (SP Paper 142)



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Published in Edinburgh by APS Group Scotland

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Printed in Scotland by APS Group Scotland

ISBN 978-1-4061-9045-8

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