



The Scottish Parliament
Pàrlamaid na h-Alba

Standards, Procedures and Public Appointments Committee

8th Report, 2013 (Session 4)

Post-Legislative Scrutiny

Published by the Scottish Parliament on 30 October 2013

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Pàrlamaid na h-Alba

Standards, Procedures and Public Appointments Committee

Remit and membership

Remit:

1. The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

(a) the practice and procedures of the Parliament in relation to its business;

(b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members' interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;

(c) the adoption, amendment and application of any Code of Conduct for members; and

(d) matters relating to public appointments in Scotland.

2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.

(Standing Orders of the Scottish Parliament, Rule 6.4)

Membership:

Brian Adam (until 25 April 2013)

George Adam (from 16 May 2013)

Cameron Buchanan (from 10 September 2013)

Helen Eadie (Deputy Convener)

John Lamont (until 10 September 2013)

Richard Lyle (from 25 October 2012)

John Mason (from 18 September 2012 until 25 October 2012)

Margaret McCulloch (until 3 September 2013)
Margaret McDougall (from 3 September 2013)
Fiona McLeod
Dave Thompson (Convener)

Committee Clerking Team:

Clerk to the Committee

Alison Walker
Gillian Baxendine

Senior Assistant Clerk

Alastair Macfie
Neil Stewart

Support Manager

Sam Currie



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Standards, Procedures and Public Appointments Committee

8th Report, 2013 (Session 4)

Post-Legislative Scrutiny

The Committee reports to the Parliament as follows—

Introduction

1. One of the most important functions of the Scottish Parliament is to pass legislation which has been properly scrutinised and is fit for purpose.

2. However, recently there have been concerns expressed that the Parliament is not doing enough to assess the effectiveness of legislation once it has become law.

3. A number of voices, both within and outwith the Parliament, have argued that post-legislative scrutiny should be a greater priority for MSPs.

4. Scottish Land and Estates has commented, for example—

“...there has been such a volume of legislation for the Parliament to deal with that there has been little time to reflect on legislation already enacted. Where legislation has been reviewed this has tended to be ad hoc or as a result of political or media pressure rather than any formal or systematic review.”¹

5. The Committee is aware of concerns that some pieces of legislation on the statute book are not working as effectively as they should be. For example Professor Colin Reid from the School of Law at the University of Dundee has commented—

“I have given evidence on the various nature conservation bills that have gone through Parliament. Committees and witnesses have consistently said that the law is a mess and needs consolidation.”²

¹ Scottish Land and Estates, written evidence

² Scottish Parliament Standards, Procedures and Public Appointments Committee, *Official Report*, 20 June 2013, Col 709

6. Scottish Environment LINK has stated that post-legislative scrutiny "...is one of the most crucial areas where reforms can improve the methods and processes of government in Scotland".³

7. This was a clear view that emerged during the Committee's inquiry into parliamentary reform in late 2011. There was wide support for the concept of post-legislative scrutiny as improving the scrutiny function of the Parliament and the legislative process, but also a general acceptance that this was an area in which the Scottish Parliament could perform better and that committees should take a leading role in undertaking this work.

8. These views appeared to be shared by politicians from across the political spectrum, as well as academic commentators and stakeholder organisations. A selection of their views are reproduced at Appendix A.

9. Post-legislative scrutiny was not specifically addressed in the Committee's parliamentary reform report, which mainly focused on remodelling the parliamentary week. However, the Committee agreed to consider it further during this separate short inquiry.

Approach to the inquiry

10. The Committee notes that post-legislative scrutiny is a fairly wide-ranging concept. Scottish Land and Estates commented that "the term 'post legislative scrutiny' itself means different things to different people"⁴, and could range from a technical analysis of legal drafting to a wider policy review. In the view of the Committee, post-legislative scrutiny will normally involve an assessment of the extent to which the policy intentions of a particular piece of legislation are being delivered and, if they are not wholly being delivered, the reasons for this.

11. Rather than concentrating on whether there is a need for post legislative scrutiny (which appears to be generally accepted), the Committee agreed to focus on practical ways in which the Parliament could carry out improved post-legislative scrutiny.

12. The remit for the inquiry was—

"To consider possible approaches to carrying out post-legislative scrutiny in the Scottish Parliament, and consider what changes are required to Standing Orders and the Parliament's procedures."

13. The Committee received 18 written submissions in response to a call for views on the inquiry and held two roundtable discussions with interested individuals and organisations on 23 May 2013 and 20 June 2013. The Committee is grateful for the time given by all those who contributed to the inquiry.

³ Scottish Environment LINK, written evidence

⁴ Scottish Land and Estates, written evidence

Current good practice

14. Although this inquiry started with the premise that post-legislative scrutiny in the Parliament could be improved, the Committee believes the current picture is more positive than some have suggested.

15. A number of committees have recently undertaken significant pieces of work which are clearly identifiable as 'post-legislative scrutiny'. For example, the Rural Affairs, Climate Change and Environment Committee has conducted a review of the Scottish Government's draft second Report on Proposals and Policies arising from the Climate Change (Scotland) Act 2009. This year the Justice Committee undertook an inquiry into the effectiveness of the provisions in the Title Conditions (Scotland) Act 2003.

16. Previous sessions of the Parliament have also seen examples of post-legislative scrutiny being undertaken by committees and some of these are listed in Appendix B.

17. It is also important to note that much of the routine work undertaken by committees contains elements of post-legislative scrutiny, even if it is not formally labelled as such. Most notably, many committee inquiries involve an element of post-legislative scrutiny, since they often focus on improvements which could be made to the legislative framework in a particular policy area. Professor Paul Cairney of the University of Stirling made the point that—

“Since 1999, Parliament has been able to do post-legislative scrutiny. To some extent, that is the point of inquiries. The committee can decide to take on a piece of work; a big part of that is examination of how legislation is working.”⁵

18. In addition, members regularly have had the opportunity to embed mechanisms for post-legislative scrutiny into legislation during the passage of bills. For example, a provision was inserted into the High Hedges (Scotland) Act 2013 providing for a review of the operation of the Act to take place within a specific timeframe. The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 contains a provision requiring that the Scottish Government reports on the operation of offences under the Act.

19. Professor Colin Reid told the Committee—

“The idea of reporting is coming into legislation nowadays. There are many examples in the Climate Change (Scotland) Act 2009 of things that the Government must report on at certain stages. The Wildlife and Natural Environment (Scotland) Act 2011 added the duty for the Government to report every three years on compliance with the biodiversity duty.”⁶

⁵ Scottish Parliament Standards, Procedures and Public Appointments Committee, *Official Report*, 20 June 2013, Col 699

⁶ Scottish Parliament Standards, Procedures and Public Appointments Committee, *Official Report*, 20 June 2013, Col 712

20. It appears to the Committee, therefore, that a reasonable amount of post-legislative scrutiny is currently taking place in the Parliament already. It is also clear that during the passage of bills, consideration is routinely being given to the arrangements for future post-legislative scrutiny.

Other committee priorities

21. Despite these examples of good practice, there is still scope for improvements in how the Parliament undertakes post-legislative scrutiny. The Committee has given some thought as to whether there are any procedural changes which could improve the position.

22. However, in doing so, the Committee acknowledges that ultimately it is a matter for individual committees to decide whether or not to carry out post-legislative scrutiny.

23. The view of the Economy, Energy and Tourism Committee was that "...the merits of conducting post-legislative scrutiny need to be balanced against the other demands on the Committee's time".⁷

24. The Education and Culture Committee stated in written evidence that it was "unsure what changes could be made to Standing Orders that would not result in post-legislative scrutiny becoming a mandatory requirement of committee work, which members feel would be unnecessary".⁸

25. This Committee is sympathetic to this position and has no proposals to amend Standing Orders to make post-legislative scrutiny a specified function of committees. This would run counter to the general principle that committees should determine their own work programmes.

26. Instead, the Committee's approach in this report is to make recommendations on what constitutes good practice in relation to post-legislative scrutiny. The Committee hopes that this will prompt committees to reflect further on their own approach to post-legislative scrutiny and how they perform this important role.

Principles behind effective post-legislative scrutiny

27. In both the written and oral evidence there was a notable level of consensus regarding what constituted a good approach to post-legislative scrutiny.

28. First, there was general agreement that committees should take a flexible approach to post-legislative scrutiny, given that scrutiny can vary from examining small technical provisions in secondary legislation to major policy reviews. Professor Colin Reid summed up the position when he wrote "one size will not fit all".⁹ The Law Society of Scotland's Law Reform Committee wrote—

⁷ Economy, Energy and Tourism Committee, written evidence

⁸ Education and Culture Committee, written evidence

⁹ Professor Colin Reid, School of Law, University of Dundee, written evidence

“The nature of the provisions in the act will determine the need for scrutiny. An unduly structured approach may not work, any act of the Parliament could potentially need post-legislative scrutiny.”¹⁰

29. Respondents to the call for views also generally considered that while there may be an optimum time period within which to review legislation (perhaps 3 to 5 years after it comes into force), any approach should not be unduly prescriptive. Scottish Land and Estates commented that “flexibility should again be the key in determining when legislation should be reviewed”.¹¹

30. Second, there was a general consensus that committees should prioritise which legislation should be subject to review, rather than attempting to scrutinise large numbers of pieces of legislation.

31. The Rural Affairs, Environment and Climate Change Committee argued that “scrutiny should be focussed on those acts which, through evidence from external sources, had been identified as having issues which required further examination”.¹² Scottish Land and Estates commented—

“It would be better to conduct an effective in-depth review of one or two areas of law than a superficial review of a number of enactments.”¹³

32. Third, the evidence received by the Committee suggested that post-legislative scrutiny should include analysis of secondary as well as primary legislation. Audit Scotland argued—

“We consider that both primary and secondary legislation should be within the scope of post-legislative scrutiny. This is because major policy initiatives may be introduced through secondary legislation.”¹⁴

33. The importance of scrutinising guidance which underpins legislative provisions was also mentioned in evidence. Another suggestion was that committees should assess what legislation has *not* been brought into force, as this could be as significant as the provisions which have been enacted.¹⁵

34. In summary, the evidence received by the Committee emphasised the importance of a flexible approach to post-legislative scrutiny which is not tied to a particular timescale or format for scrutiny. The Committee draws these principles to the attention of committees as they represent a good basis for an approach to post-legislation scrutiny.

Prioritisation

35. In the view of the Committee, one of the main challenges for committees is to prioritise which legislation might be suitable for post-legislative scrutiny.

¹⁰ Law Society of Scotland’s Law Reform Committee, written evidence

¹¹ Scottish Land and Estates, written evidence

¹² Rural Affairs, Climate Change and Environment Committee, written evidence

¹³ Scottish Land and Estates, written evidence

¹⁴ Audit Scotland, written evidence

¹⁵ Professor Colin Reid, School of Law, University of Dundee, written evidence

36. Prioritisation is needed because not all legislation warrants post-legislative scrutiny. It is also needed because of the limitations in the time and resources which are available to committees to undertake this scrutiny work.

37. This point was highlighted in evidence to the Committee. The Education and Culture Committee noted “the limitations on parliamentary time” and stated that it was “unsure how changes could be made to alleviate pressures on committees to allow for additional, more formal, post-legislative scrutiny”.¹⁶

38. Scottish Land and Estates contended—

“We believe the major barrier to effective post legislative scrutiny is resources. Parliament is already stretched in terms of its workload and we have seen time and again the considerable commitment of time and energy made by subject committee MSPs and staff particularly during the passage of Bills.”¹⁷

39. The Committee considered several options for how committees might prioritise which legislation should be subject to review. These options are discussed below.

Dedicated post-legislative scrutiny committee

40. Some respondents to the call for evidence suggested that the role could be carried out by a dedicated committee in the Parliament which could oversee post-legislative scrutiny.

41. This could be a new committee established for this purpose or an existing parliamentary committee such as the Delegated Powers and Law Reform Committee. Another approach might be for a dedicated committee to work in partnership with relevant subject committees.

42. The Committee heard mixed views on this proposal in evidence. Jackie McCreery of Scottish Land and Estates commented—

“One thing that attracted us to having a dedicated committee perform some function was that it would raise the status and profile of post-legislative scrutiny in the Parliament.”¹⁸

43. However, some potential risks associated with a dedicated committee were also highlighted. Michael Clancy of the Law Society of Scotland cautioned that—

“Such an approach would require a good level of co-ordination. Depending on politics—all this takes place within a political framework—there might not be as much co-operation between committees as would be ideally hoped for.”¹⁹

¹⁶ Education and Culture Committee, written evidence

¹⁷ Scottish Land and Estates, written evidence

¹⁸ Scottish Parliament Standards, Procedures and Public Appointments Committee, *Official Report*, 20 June 2013, Col 714

¹⁹ Scottish Parliament Standards, Procedures and Public Appointments Committee, *Official Report*, 20 June 2013, Col 715

44. In the view of the Committee, a dedicated post-legislative scrutiny committee carrying out its own inquiries may not be the best way forward. There could be a risk of duplication of effort if a dedicated committee took on matters within the remit of a subject committee. It also might lack the specialist expertise to do so. A dedicated committee might feel the need to re-open policy debates, given that it did not have a role during the passage of the original bill.

45. The Committee also has doubts about an approach in which a dedicated post-legislative scrutiny committee made recommendations to a subject committee on which pieces of legislation warrant post-legislative scrutiny. Subject committees might not be particularly receptive to another committee seeking to determine their work priorities, and there is a risk that neither committee would end up taking proper responsibility for carrying out post-legislative scrutiny.

Reports by the Scottish Government on legislation

46. Another suggestion considered by the Committee was that the Scottish Government could report to the Parliament routinely on how legislation had worked in practice. Such a report could be the result of a Scottish Government internal review or an independent research report. Committees could examine these reports and prioritise which legislation to scrutinise further. Scottish Land and Estates argued, for example, that—

“Government should be encouraged to regularly report on the effects of legislation and to make these reports available to the Committee.”²⁰

47. The Committee has considered this suggestion but is not persuaded of its merits. The Committee believes that, as a matter of good practice, it is better for the Parliament to be in control of its own arrangements for post-legislative scrutiny, than government being seen to take the lead.

Trigger points

48. As an alternative to these proposals, the Committee considers that it may be more useful to focus on identifying trigger points which might prompt committees to undertake post-legislative scrutiny.

49. There are a number of possible trigger points which could prompt a committee to undertake post-legislative scrutiny, including—

- Representations being made to a committee from individuals or organisations that a piece of legislation needed reviewed due to a particular policy impact. As part of this review, committees could scrutinise how the Scottish Government had responded to any concerns.
- Publicity in the media indicating that post-legislative scrutiny is required.
- Members of the judiciary commenting that a piece of legislation should be revisited.

²⁰ Scottish Land and Estates, written evidence

- A petition being brought forward calling for a review of current legislation in a particular subject area.
- A committee inquiry being undertaken into an issue which includes an examination of current legislation.
- A sunset clause or a statutory review period being included in legislation requiring it to be revisited by the Parliament.
- A bill being passed containing a requirement that the Scottish Government must report to the Parliament on a particular provision.
- Committees deciding that they will undertake regular scrutiny of the implementation of a piece of legislation (for example the Climate Change Act).

50. In the view of the Committee, it is trigger points such as these which would help a committee to identify which pieces of legislation should be subject to post-legislative scrutiny, amongst the many which have been enacted.

51. The Committee recommends that committees consider how to use these trigger points in a structured way to prompt them to undertake post-legislative scrutiny. One option would be for committees to include a regular item on their agendas or during work programme discussions to consider whether to undertake post-legislative scrutiny. A paper could be prepared to accompany this discussion which identified any of the triggers (such as a petition or representations from a stakeholder) which might prompt a committee to undertake post-legislative scrutiny.

52. The Committee also suggests that committees could be pro-active in seeking views on what post-legislative scrutiny to undertake. For example, committees could consult stakeholders on a regular basis regarding whether post-legislative scrutiny was required and what areas should be reviewed. Another option would be for a committee to 'commission' a body with expertise in a particular area to report to it on possible options for post-legislative scrutiny in its remit.

53. The Committee recommends that committees reflect on these suggestions for a structured approach to post-legislative scrutiny and consider the scope for incorporating them into their working arrangements.

Improving legislation

54. The final issue raised during the inquiry was the question of the standard of legislation passed by the Parliament. The Committee notes the comments by some witnesses that post-legislative scrutiny may be required to address unintended technical problems with legislation.

55. In the view of the Committee, it is essential that the Parliament makes sure that the legislation it passes is properly drafted and fit for purpose in the first place.

56. There is an argument that if the current legislative process worked more effectively then fewer technical problems with legislation would occur. This could help reduce the need for post-legislative scrutiny, which could in turn ease some of the time and resource pressures which have been experienced by committees.

57. Jackie McCreery of Scottish Land and Estates made the point that “some of the need for post-legislative scrutiny could perhaps be avoided if there was a little extra time to scrutinise legislation as it goes through Parliament”.²¹

58. A number of witnesses made suggestions for ways in which the legislation process could be improved. Issues mentioned included the effectiveness of stage 3 (for example, amendments being brought forward late in the day) and the use of pre-legislative scrutiny (for example, draft bills being produced before formal introduction). Some witnesses even contended that weakness in the legislative process has led to ‘mistakes’ appearing in legislation, for example, a missing cross-reference in section 14 of the Climate Change (Scotland) Act 2009.²²

59. The Committee has agreed to undertake an inquiry into the procedures for considering legislation, which is due to begin shortly. This inquiry will provide a good opportunity to explore some of these issues further. Ensuring that the legislative process works as effectively as possible should help reduce the instances where post-legislative scrutiny might be required in order to address technical problems with legislation.

Conclusion

60. The Committee has heard a number of voices calling for the Parliament to improve its approach to undertaking post-legislative scrutiny. However, the Committee has also heard about many examples of good practice in the Parliament of committees already undertaking effective post-legislative scrutiny.

61. Nevertheless, there is scope for further improvements. The Committee notes that, ultimately, it is a matter for each committee to decide whether to undertake post-legislative scrutiny. For that reason the Committee has no proposals to amend Standing Orders to require this to take place. Instead, the Committee has identified the key principles behind effective post-legislative scrutiny, most notably taking a flexible approach. The Committee draws these principles to the attention of committees in order to promote good practice.

62. One of the main challenges for committees is to prioritise which legislation should be subject to post-legislative scrutiny. The Committee suggests that committees reflect on the various trigger points that might prompt post-legislative scrutiny, which are set out in this report. The Committee recommends that committees consider how to use these trigger points in a structured way to assess regularly whether to undertake post-legislative scrutiny.

63. The Committee draws this report to the attention of the Parliament and its committees.

²¹ Scottish Parliament Standards, Procedures and Public Appointments Committee, *Official Report*, 20 June 2013, Col 704

²² Professor Colin Reid, School of Law, University of Dundee, supplementary evidence

APPENDIX A – Views expressed during parliamentary reform inquiry

“We passed our first legislation 12 years ago. We need to look again at that legislation to see how it is working. We do not have enough time in the committees for post-legislative scrutiny... we have to address the committee structure in such a way that the committees can start to examine not only the legislation that the Scottish Parliament has passed but the Westminster legislation that we have been living with.”

Alasdair Morgan, former Deputy Presiding Officer, 27 September 2011, column 64

“...we do not spend sufficient time on post-legislative scrutiny in committee and in Parliament. Given that we have a Parliament that is responsible for scrutinising then passing legislation and that we have no revising chamber, I think that we have sometimes rushed into legislation and not given sufficient thought to how effectively an act has worked. We should be considering how to make more time available for that.”

Hugh Henry MSP, 25 October 2011, column 102

“When we get down to the level of detail of post-legislative scrutiny, it is inevitable that the starting point will have to be in committees. There is an issue about how committees go about that work... If we can focus on particular bits that are not working in the way that we expected them to work and on how we can come up with positive suggestions to make changes through a process that gets there by consensus through taking evidence, it will help Scotland to improve its laws significantly in the longer term.”

Bruce Crawford MSP, 22 November 2011, col 204

“...Given the information technology capacities that are available to the Parliament, there is no reason why we cannot put more resources into being clear about the stage that post-legislative scrutiny is at and how we decide what scrutiny we will undertake of legislation that has been passed. That would be a challenge, which committees need to play a significant role in. It is about the discipline of committee members to do that.”

Paul Martin MSP, 22 November 2011, col 205

“The committees would do the heavy lifting in determining what legislation needed to be scrutinised in that way. How that would be done would be a matter for the individual committees, but the credibility of the legislation that we pass will only be enhanced by a reassurance that capacity, willingness and determination exist to look back at it and ensure that it does what it said on the tin. The challenge is not insurmountable.”

Liam McArthur MSP, 22 November 2011, col 205

I do think that there is considerable scope for more post legislative scrutiny in the Parliament. Parliamentary committees should be required as a matter of practice to conduct reviews of legislation which they considered initially say two or three

years after the legislative changes came into force with a view to assessing whether the objectives of the legislation are being met.

David McLetchie MSP on behalf of Scottish Conservative MSPs, written evidence

“Post-legislative scrutiny is important, if only because so much legislation goes through the Parliament and nothing is heard of it again. There are many cases. For example, the Arbitration (Scotland) Act 2010 is causing chaos in arbitration and divorces. However, as far as I know, there is no way in which MSPs are able to reopen such matters. I am talking about real post-legislative scrutiny after an act has been implemented and we see the consequences. As far as I know, no one is doing that but someone needs to.”

Iain MacWhirter, Sunday Herald, 8 November 2011, column 162

“One reason why post-legislative work is important is that it allows the MSPs’ leadership role to come up. The Parliament can say, perhaps on a cross-party basis, that although there are some problems, it took the matter on board on behalf of the public and agreed the legislation, and perhaps then it can then counter some of the abuses of democracy that we read about..”

Henry McLeish, former First Minister, 8 November 2011, column 163

“The question about post-legislative scrutiny is really about how many Government decisions are reviewed a year after they are made. Is there space for the committees, among all the petitions, subordinate legislation and legislation, to have more inquiries and to carry out more effective scrutiny in that traditional way?”

Dr Peter Lynch, University of Stirling, 8 November 2011, column 167

“They [Parliament and MSPs] could do more post-legislative scrutiny and spend more time with Government officials who are implementing Government policies to find out what is going on, how things are going and how measures are being put in place.”

Andy Myles, Scottish Environment LINK, 22 November 2011, col 236

The Society also supports adequate post-legislative scrutiny such as sunset clauses to ensure that legislation meets the needs for which it was enacted and continues to provide efficient and effective achievement of its objectives

Law Society of Scotland, written evidence

“Consideration should be given to allocating more time in committees for post legislative scrutiny. It is our view that the current arrangements do not devote enough time to this important process. This could be achieved through more time in subject committees or in the establishment of a specific scrutiny committee. Committing more time to this area would allow for a more thorough review of the implementation of legislation and a greater understanding of its effectiveness.”

SCVO, written evidence

APPENDIX B: Examples of post-legislative scrutiny, sessions 1-3

Education and Culture Committee

The Committee carried out a one off evidence session on implementation of the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended 2009) in May 2012.

Equal Opportunities Committee

In Session 3 the committee conducted post-legislative scrutiny of the equalities principles of the Mental Health (Care and Treatment) (Scotland) Act 2003.

Health Committee

In Session 2 the Health Committee carried out a Report into Care Inquiry which considered both the Community Care and Health (Scotland) Act 2002 and the Regulation of Care (Scotland) Act 2001.

That Committee also published a report entitled, The Implementation of Direct Payments for People Who Use Care Services. This report considered the implementation of provisions within the Community Care and Health (Scotland) Act 2002.

Health and Sport Committee

The Committee published its Report on Inquiry into the Regulation of Care for Older People in November 2011. This included consideration of the regulatory system introduced through the Regulation of Care (Scotland) Act 2001 and the more recent system implemented through the Public Services Reform (Scotland) Act 2010.

Infrastructure and Capital Investment Committee

The Committee recently conducted an inquiry on "Homelessness in Scotland: the 2012 Commitment". Scotland's 2012 homelessness commitment, created under the Homelessness etc. (Scotland) Act 2003 entitles all unintentionally homeless people to settled accommodation by the end of this year.

A large part of this inquiry was post-enactment scrutiny of part of the Homelessness etc. (Scotland) Act 2003.

Justice Committees

In 2010, the Justice Committee took evidence on the effectiveness of summary justice reforms, including changes made by the Criminal Proceedings etc (Reform) (Scotland) Act 2007.

*Standards, Procedures and Public Appointments Committee, 8th Report, 2013
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In 2005, the Justice 2 Committee undertook post-legislative scrutiny of the Adults with Incapacity (Scotland) Act 2000.

In 2004, the Justice 1 Committee undertook post-legislative scrutiny of the Protection from Abuse (Scotland) Act 2001.

Local Government and Transport Committee

In session 2 the Committee held an inquiry into issues arising from the Transport (Scotland) Act 2001.

Rural Affairs, Climate Change and Environment Committee

The RACCE Committee has undertaken post-legislative scrutiny on the Land Reform (Scotland) 2003 Act. Its predecessor committee commissioned a report which it followed up on, taking further evidence and then writing to the Cabinet Secretary recommending various actions.

ANNEXE A: ORAL AND ASSOCIATED WRITTEN EVIDENCE

8th Meeting, 2013 (Session 4), Thursday 23 May 2013

Mark Roberts, Portfolio Manager, Performance Audit Group, Audit Scotland;
Don Peebles, Policy and Technical Manager, Chartered Institute of Public Finance
and Accountancy;
Andy Myles, Parliamentary Officer, Scottish Environment Link.

10th Meeting, 2013 (Session 4), Thursday 20 June 2013

Michael Clancy, Director of Law Reform, Law Society of Scotland;
Professor Russel Griggs, Chair, Regulatory Review Group;
Jackie McCreery, Legal consultant, Scottish Land and Estates;
Professor Colin T. Reid, Professor of Environmental Law, University of Dundee;
Professor Paul Cairney, Professor of Politics and Public Policy, University of
Stirling.

Supplementary evidence from Professor Colin T. Reid (143KB pdf)

ANNEXE B: OTHER WRITTEN EVIDENCE

Submissions received from external individuals and organisations

- [Mackinnon, Niall \(32KB pdf\)](#)
- [Ross, Professor Andrea \(33KB pdf\)](#)
- [Scottish Government \(78KB pdf\)](#)
- [Scottish Law Commission \(11KB pdf\)](#)
- [Spalding, John \(11KB pdf\)](#)

Submissions received from Committees of the Scottish Parliament

- [Education and Culture Committee \(12KB pdf\)](#)
- [Economy, Energy and Tourism Committee \(8KB pdf\)](#)
- [Infrastructure and Capital Investment Committee \(11KB pdf\)](#)
- [Local Government and Regeneration Committee \(8KB pdf\)](#)
- [Rural Affairs, Climate Change and Environment Committee \(17KB pdf\)](#)

ANNEXE C: EXTRACT FROM MINUTES

11th Meeting, 2012 (Session 4), Thursday 13 September 2012

Decision on taking business in private: The Committee agreed to take items 4, 5 and 6 in private.

Work programme (in private): The Committee considered its work programme and agreed to consider an approach paper to a Committee inquiry in private at a future meeting.

12th Meeting, 2012 (Session 4), Thursday 27 September 2012

Committee Inquiry (in private): The Committee agreed its approach to its next inquiry.

2nd Meeting, 2013 (Session 4), Thursday 31 January 2013

Decision on taking business in private: The Committee agreed that its consideration of a paper on the Hybrid Bills process, its review of parliamentary reform and a paper on its inquiry into Post-Legislative Scrutiny should be taken in private at future meetings.

3rd Meeting, 2013 (Session 4), Thursday 28 February 2013

Inquiry into post-legislative scrutiny (in private): The Committee considered the written evidence received and agreed to consider a further paper at a future meeting.

4th Meeting, 2013 (Session 4), Thursday 14 March 2013

Decision on taking business in private: The Committee agreed to take items 4, 5 and 6 in private.

Inquiry into post-legislative scrutiny (in private): The Committee considered its approach to the next stage of the inquiry and agreed to consider a further paper at a future meeting.

6th Meeting, 2013 (Session 4), Thursday 25 April 2013

Inquiry into post-legislative scrutiny (in private): The Committee considered a note by the Clerk and agreed to hold two evidence sessions at future meetings.

8th Meeting, 2013 (Session 4), Thursday 23 May 2013

Inquiry into post-legislative scrutiny: The Committee took evidence from—

Mark Roberts, Portfolio Manager, Performance Audit Group, Audit Scotland;
Don Peebles, Policy and Technical Manager, Chartered Institute of Public Finance and Accountancy;
Andy Myles, Parliamentary Officer, Scottish Environment Link.

10th Meeting, 2013 (Session 4), Thursday 20 June 2013

Decision on taking business in private: The Committee agreed to take items 4, 5, 6 and 7 in private.

Inquiry into post-legislative scrutiny: The Committee took evidence from—

Michael Clancy, Director of Law Reform, Law Society of Scotland;
Professor Russel Griggs, Chair, Regulatory Review Group;
Jackie McCreery, Legal consultant, Scottish Land and Estates;
Professor Colin T. Reid, Professor of Environmental Law, University of Dundee;
Professor Paul Cairney, Professor of Politics and Public Policy, University of Stirling.

Inquiry into post-legislative scrutiny (in private): The Committee considered the evidence heard earlier in the meeting.

11th Meeting, 2013 (Session 4), Thursday 12 September 2013

Decision on taking business in private: The Committee agreed to take items 6, 7, 8 and 9 in private.

Inquiry into post-legislative scrutiny (in private): The Committee considered issues for the report and agreed to consider a draft report in private at a future meeting.

13th Meeting, 2013 (Session 4), Thursday 10 October 2013

Inquiry into post-legislative scrutiny (in private): The Committee agreed a draft report.

Members who would like a printed copy of this *Numbered Report* to be forwarded to them should give notice at the Document Supply Centre.

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ISBN 978-1-78351-995-8