



The Scottish Parliament
Pàrlamaid na h-Alba

DELEGATED POWERS AND LAW REFORM COMMITTEE

MINUTES

4th Meeting, 2016 (Session 4)

Tuesday 26 January 2016

Present:

Lesley Brennan	Nigel Don (Convener)
John Mason (Deputy Convener)	John Scott
Stewart Stevenson	

The meeting opened at 11.15 am.

1. **Declaration of interests:** Lesley Brennan had no interests to declare.
2. **Decision on taking business in private:** The Committee agreed to take item 8 in private.
3. **Instruments subject to affirmative procedure:** The Committee agreed that no points arose on the following—

[Freedom of Information \(Scotland\) Act 2002 \(Designation of Persons as Scottish Public Authorities\) Order 2016 \[draft\];](#)
[Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2016 \[draft\];](#)
[Equality Act 2010 \(Specific Duties\) \(Scotland\) Amendment Regulations 2016 \[draft\];](#)
[Rehabilitation of Offenders Act 1974 \(Exclusions and Exceptions\) \(Scotland\) Amendment \(No. 2\) Order 2016 \[draft\];](#)
[Kinship Care Assistance \(Scotland\) Order 2016 \[draft\];](#)
[Children and Young People \(Scotland\) Act 2014 \(Modification of Schedules 2 and 3\) Order 2016 \[draft\];](#)
[National Health Service \(Scotland\) Act 1978 \(Independent Clinic\) Amendment Order 2016 \[draft\];](#)
[Air Quality \(Scotland\) Amendment Regulations 2016 \[draft\];](#)
[Reservoirs \(Enforcement etc.\) \(Scotland\) Order 2016 \[draft\];](#)
[Children and Young People \(Scotland\) Act 2014 \(Part 4 and Part 5 Complaints\) Order 2016 \[draft\];](#)

[Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(Consequential Modifications\) Order 2016 \[draft\];](#)
[Public Services Reform \(Insolvency\) \(Scotland\) Order 2016 \[draft\];](#)
[Public Services Reform \(Social Work Complaints Procedure\) \(Scotland\) Order 2016 \[draft\];](#)
[Letting Agent Code of Practice \(Scotland\) Regulations 2016 \[draft\];](#)
[Pharmacy \(Premises Standards, Information Obligations, etc.\) Order 2016 \[draft\].](#)

4. **Instruments subject to negative procedure:** The Committee agreed that no points arose on the following—

[Sea Fish \(Prohibited Methods of Fishing\) \(Firth of Clyde\) Order 2016 \(SSI 2016/12\);](#)
[Public Bodies \(Joint Working\) \(Prescribed Health Board Functions\) \(Scotland\) Amendment Regulations 2016 \(SSI 2016/15\);](#)
[Named Persons \(Training, Qualifications, Experience and Position\) \(Scotland\) Order 2016 \(SSI 2016/16\);](#)
[Child's Plan \(Scotland\) Order 2016 \(SSI 2016/17\);](#)
[Fireworks \(Scotland\) Amendment Regulations 2016 \(SSI 2016/18\);](#)
[Water Environment \(Remedial Measures\) \(Scotland\) Regulations 2016 \(SSI 2016/19\);](#)
[National Assistance \(Sums for Personal Requirements\) \(Scotland\) Regulations 2016 \(SSI 2016/23\);](#)
[Products Containing Meat etc. \(Scotland\) Amendment Regulations 2016 \(SSI 2016/24\);](#)
[National Assistance \(Assessment of Resources\) Amendment \(Scotland\) Regulations 2016 \(SSI 2016/25\);](#)
[Healthcare Improvement Scotland \(Fees\) Regulations 2016 \(SSI 2016/26\);](#)
[Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Prescribed Purposes for Consideration of Suitability\) Regulations 2016 \(SSI 2016/27\).](#)

5. **Instruments not subject to any parliamentary procedure:** The Committee agreed that no points arose on the following—

[Scottish Parliament Elections \(Regional Returning Officers and Constituency Returning Officers\) Order 2016 \(SSI 2016/9\);](#)
[Serious Crime Act 2015 \(Commencement No. 1 and Saving Provision\) \(Scotland\) Regulations 2016 \(SSI 2016/11 \(C.1\)\);](#)
[Courts Reform \(Scotland\) Act 2014 \(Commencement No. 6 and Transitional Provisions\) Order 2016 \(SSI 2016/13 \(C.2\)\);](#)
[Water Resources \(Scotland\) Act 2013 \(Commencement No. 3\) Order 2016 \(SSI 2016/14 \(C.3\)\);](#)
[Public Services Reform \(Scotland\) Act 2010 \(Commencement No. 7\) Order 2016 \(SSI 2016/22 \(C.4\)\).](#)

6. **Education (Scotland) Bill:** The Committee considered the delegated powers provisions in this Bill after Stage 2.

7. **Succession (Scotland) Bill:** The Committee took evidence on the Bill in advance of Stage 3 from—

Jill Clark, Head of Civil Law Reform Unit; Neel Mojee, Solicitor, Scottish Government Legal Directorate, Scottish Government; Caroline Drummond, Commissioner, Scottish Law Commission; Charles Garland, Project Manager, Scottish Law Commission; Jane MacDonald, Head of Policy and Legislation Branch, Scottish Courts and Tribunal Service;

and then from—

John Kerrigan, Partner, Morisons LLP, Member of the Law Society of Scotland; Eilidh Scobbie, Private Client Partner, Burnett & Reid LLP; Dr Dot Reid, Senior Lecturer in Private Law, University of Glasgow;

and then from—

Paul Wheelhouse, Minister for Community Safety and Legal Affairs; Jill Clark, Head of Civil Law Reform Unit; Neel Mojee, Solicitor, Scottish Government Legal Directorate, Scottish Government.

8. **Succession (Scotland) Bill (in private):** The Committee considered the evidence it had heard.

The meeting closed at 1.54 pm.

Euan Donald
Clerk to the Delegated Powers and Law Reform Committee
Room T1.01
The Scottish Parliament
Edinburgh
Tel: 0131 348 5212
Email: euane.donald@scottish.parliament.uk