



The Scottish Parliament  
Pàrlamaid na h-Alba

## SUBORDINATE LEGISLATION COMMITTEE

### AGENDA

4th Meeting, 2013 (Session 4)

Tuesday 29 January 2013

The Committee will meet at 10.30 am in Committee Room 4.

1. **Decision on taking business in private:** The Committee will decide whether to take item 8 in private.
2. **Instruments subject to affirmative procedure:** The Committee will consider the following—  
  
[Local Government Finance \(Scotland\) Order 2013 \[draft\]](#)
3. **Instruments subject to negative procedure:** The Committee will consider the following—  
  
[Scottish Road Works Register \(Prescribed Fees\) Regulations 2013 \(SSI 2013/8\);](#)  
[Less Favoured Area Support Scheme \(Scotland\) Amendment Regulations 2013 \(SSI 2013/9\).](#)
4. **Instruments not subject to any parliamentary procedure:** The Committee will consider the following—  
  
[Bovine Viral Diarrhoea \(Scotland\) Order 2013 \(SSI 2013/3\).](#)
5. **Land and Buildings Transaction Tax (Scotland) Bill:** The Committee will consider the delegated powers provisions in this Bill at Stage 1.
6. **Public Service Pensions Bill (UK Parliament legislation):** The Committee will consider the powers to make subordinate legislation conferred on Scottish Ministers in the Public Service Pensions Bill (UK Parliament legislation).
7. **Scottish Law Commission reports:** The Committee will consider the evidence given by the Convener to the Standards, Procedures and Public Appointments Committee on this issue.

8. **Annual reports:** The Committee will receive an update on issues raised recently with the Scottish Government.

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The papers for this meeting are as follows—

**Agenda Items 2, 3 and 4**

Legal Brief (private)

SL/S4/13/4/1 (P)

**Agenda Item 4**

Instrument Responses

SL/S4/13/4/2

**Agenda Item 5**

[Land and Buildings Transaction Tax \(Scotland\) Bill - as introduced](#)

[Land and Buildings Transaction Tax \(Scotland\) Bill - Delegated Powers Memorandum](#)

Briefing Paper (private)

SL/S4/13/4/3 (P)

**Agenda Item 6**

[Public Service Pensions Bill \(UK Parliament legislation\) - Legislative Consent Memorandum](#)

Briefing Paper (private)

SL/S4/13/4/4 (P)

**Agenda Item 7**

[Standards, Procedures and Public Appointments Committee - Official Report of Meeting 17 January 2013](#)

Briefing Paper

SL/S4/13/4/5

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**Instrument Responses**

**INSTRUMENT NOT SUBJECT TO ANY PARLIAMENTARY PROCEDURE**

**Bovine Viral Diarrhoea (Scotland) Order 2013 (SSI 2013/3)**

**On 18 January 2013, the Scottish Government was asked:**

Articles 9 to 12 contain provisions requiring the keeper of a “breeding herd” or “breeding bovine animal” to take and submit samples to test for “BVDV”. A “breeding bovine animal” is defined in article 2 as a breeding animal which does not form part of a herd.

However paragraphs (a) to (f) of article 11(2) (which list the permissible types of sample that may be taken) all refer to samples from animals “in the herd”, or “separately managed group”- which is defined as a group within a breeding herd. None of those paragraphs make reference to animals which do not form part of a herd.

Please explain therefore how the Order makes provision for the taking and submission of types of sample by the keeper of a “breeding bovine animal” which does not form part of a herd, given the apparent absence of provision in article 11(2), or could this be clearer?

**The Scottish Government responded as follows:**

The policy intention was to provide for the sampling obligations of the keeper of a breeding bovine animal which does not form part of a herd, just as was the case under the Bovine Viral Diarrhoea (Scotland) Order 2012 which the Bovine Viral Diarrhoea (Scotland) Order 2013 (“the 2013 Order”) replaces.

However, having considered the Committee’s comments (for which we are grateful), we accept that, as currently drafted, the relevant provisions in article 11(2) of the 2013 Order refer to sampling only in relation to breeding herds.

That being the case, we are bringing forward an amendment as a matter of urgency, to clarify the sampling obligations in their application to keepers of breeding bovine animals not forming part of a herd. The intention would be to have those provisions in force on 9 February at the same time as the 2013 Order.

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**Note from the Clerk on proposals for implementation of Scottish Law  
Commission Reports**

1. As Members will be aware, the Convener gave evidence to the Standards, Procedures and Public Appointments (SPPA) Committee on 17 January 2013 on proposals for implementation of Scottish Law Commission reports.
2. The Convener's evidence was informed by the Committee's discussion on the matter at its meeting on 15 January 2013.
3. A copy of the official report of the SPPA Committee's meeting on 17 January 2013 can be found at the following address:

[http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=7693  
&mode=pdf](http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=7693&mode=pdf)

4. The SPPA Committee will next consider the matter at its meeting on 31 January 2013.

**Recommendation**

5. **The Committee is invited to consider the evidence given by the Convener to the SPPA Committee and agree if there are any further points it wishes to convey to the SPPA Committee prior to its further consideration of the matter on 31 January 2013.**