Delegated Powers and Law Reform Committee

Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill as amended at Stage 2
Contents

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The remit of the Delegated Powers and Law Reform Committee is to consider and report on—

a. any—
   i. subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
   ii. [deleted]
   iii. pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

b. proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

c. general questions relating to powers to make subordinate legislation;

d. whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

e. any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act; and

f. proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject.

g. any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

h. any draft proposal for a Scottish Law Commission Bill as defined in that Rule; and

i. any Consolidation Bill as defined in Rule 9.18.1 referred to it by the Parliamentary Bureau in accordance with Rule 9.18.3.
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Introduction

1. At its meeting on 8 December 2015, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill as amended at Stage 2 (“the Bill”)\(^1\). The Committee submits this report to the Parliament under Rule 9.7.9 of Standing Orders.

2. The Bill was introduced on 15 December 2014 by Jim Hume MSP. This Bill seeks to prohibit smoking in private motor vehicles in the presence of children, subject to limited exceptions; and for connected purposes.

3. The Parliament’s Non-Government Bills Unit on behalf of Jim Hume MSP has provided the Parliament with a supplementary memorandum on the delegated powers provisions in the Bill, in advance of Stage 3 of the Bill\(^2\).

4. The Committee reported on certain matters in relation to the delegated powers provisions in the Bill at Stage 1 in its 28\(^{th}\) report of 2015\(^3\).
Delegated Powers Provisions

5. The Committee considered each of the new or amended delegated powers provisions in the Bill after Stage 2.

6. After Stage 2, the Committee reports that it does not need to draw the attention of the Parliament to the new or amended delegated powers provisions listed below, and that it is content with the parliamentary procedure to which they are subject:

- Section 4(1) – Power to make incidental, supplementary etc. provision
- Section 5(2) – Commencement
- Schedule, paragraph 2 – Time limit for issuing fixed penalty notices
- Schedule, paragraph 11(a) – Application of fixed penalties
- Schedule, paragraph 11(b) – Keeping, preparation and publication of accounts
- Schedule, paragraph 12(1) – Power to provide that fixed penalty notices are not to be issued
- Schedule, paragraph 12(2) – Methods for paying fixed penalty

7. The Committee therefore reports that it is content with the provisions in the Bill which have been amended at Stage 2 to add or amend provisions conferring powers to make subordinate legislation.
Delegated Powers and Law Reform Committee
Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill as amended at Stage 2, 81st Report, 2015 (Session 4)

1 Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill as amended at Stage 2 is available at the following website:
[accessed December 2015]

2 Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill as amended at Stage 2 Supplementary Delegated Powers Memorandum is available at the following website:
[accessed December 2015]

3 Delegated Powers and Law Reform Committee. 28th Report, 2015 (Session 4) Report on the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill at Stage 1 (SP Paper 721) is available at the following website:
[accessed December 2015]