Delegated Powers and Law Reform Committee

Apologies (Scotland) Bill as amended at Stage 2
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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 12 January 2016, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Apologies (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. This Member’s Bill was introduced on 3 March 2015 by Margaret Mitchell MSP (“the MSP”). It makes provision concerning the effect of an apology in legal proceedings. It does not apply to criminal proceedings. It applies to civil proceedings with exceptions. At Stage 2, those exceptions are defined as inquiries (under section 1 or 15 of the Inquiries Act 2005), proceedings under the Children’s Hearings (Scotland) Act 2011, fatal accident and sudden death inquiries, and defamation proceedings.

3. The Bill provides that an apology made outside the proceedings (a) is not admissible as evidence of anything relevant to the determination of liability in connection with that matter; and (b) cannot be used in any other way to the prejudice of the person by or on behalf of whom an apology was made.

4. The Member has provided the Parliament with a supplementary memorandum on the delegated powers provisions in the Bill, in advance of Stage 3 of the Bill (“the SDPM”)\(^2\).

5. The Committee reported on the one delegated power in the Bill at Stage 1 in its 26\(^{th}\) report of 2015\(^3\).
Delegated Powers Provisions

6. The Committee considered each of the substantially amended delegated powers provisions in the Bill after Stage 2.

7. After Stage 2, the Committee reports that it does not need to draw the attention of the Parliament to the substantially amended delegated powers provisions listed below, and that it is content with the parliamentary procedure to which they are subject:
   - Section 2(3) – Legal proceedings covered
   - Section 5 – Commencement

8. The Committee therefore reports that it is content with the substantially amended delegated powers provisions in the Bill after Stage 2.
Delegated Powers and Law Reform Committee
Apologies (Scotland) Bill as amended at Stage 2, 5th Report, 2016 (Session 4)

1 Apologies (Scotland) Bill as amended at Stage 2 is available at the following website:
http://www.scottish.parliament.uk/S4_Bills/Apologies%20(Scotland)%20Bill/SPBill60AS042015.pdf
[accessed January 2016]

2 Apologies (Scotland) Bill as amended at Stage 2 Supplementary Delegated Powers Memorandum is
available at the following website:
http://www.scottish.parliament.uk/S4_Bills/Apologies%20(Scotland)%20Bill/SPBill60ADPMS042016.pdf
[accessed January 2016]

(Scotland) Bill at Stage 1 (SP Paper 713) is available at the following website:
[accessed January 2016]