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Delegated Powers and Law Reform Committee

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 2 February 2016 the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Carers (Scotland) Bill as amended at Stage 2 (“the Bill”). The Committee submits this report to the Parliament under Rule 9.7.9 of Standing Orders.

2. The Bill was introduced on 9 March 2015 by the Cabinet Secretary for Health, Wellbeing and Sport. It reforms the manner in which the needs of adult carers and young carers are assessed by local and other responsible authorities, as well as the manner in which support is provided to those carers.

3. The Scottish Government has provided the Parliament with a supplementary memorandum on the delegated powers provisions in the Bill (“the SDPM”).

4. The Committee previously reported on the delegated powers provisions in this Bill at Stage 1 in its 25th report of 2015.
Delegated Powers Provisions

5. The Committee considered each of the new or substantially 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 substantially amended delegated powers provisions listed below, and that it is content with the parliamentary procedure to which they are subject:

- Section 1 — Meaning of “carer”
- Sections 6A — Adult carers of terminally ill cared-for persons
- Section 11A — Young carers of terminally ill cared-for persons
- Section 23 — Provision of support to carers: breaks from caring
- Section 33A — Guidance and directions to health boards and directing authorities

7. The Committee therefore reports that it is content with the new or substantially amended delegated powers provisions in the Bill as amended at Stage 2.
Carers (Scotland) Bill as amended at Stage 2 is available at the following website:
http://www.scottish.parliament.uk/S4_Bills/Carers%20(Scotland)%20Bill/SPBill61AS042015.pdf
[accessed February 2016]

Carers (Scotland) Bill (as amended at Stage 2) Supplementary Delegated Powers Memorandum is
available at the following website:
http://www.scottish.parliament.uk/S4_Bills/Carers%20(Scotland)%20Bill/SPBill61ADPMS042016.pdf
[accessed February 2016]

(Scotland) Bill at Stage 1 (SP Paper 714), is available at the following website:
[accessed February 2016]