Delegated Powers and Law Reform Committee

36th Report, 2014 (Session 4)

Public Bodies Act Consent Memorandum on the Public Bodies (Abolition of Food from Britain) Order 2014 [draft]

Published by the Scottish Parliament on 20 May 2014
Delegated Powers and Law Reform Committee

Remit and membership

Remit:

1. 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.

Membership:

Richard Baker
Nigel Don (Convener)
Mike MacKenzie
Margaret McCulloch
Stuart McMillan (Deputy Convener)
John Scott
Stewart Stevenson
Committee Clerking Team:

Clerk to the Committee
Euan Donald

Assistant Clerk
Elizabeth White

Support Manager
Daren Pratt
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The Committee reports to the Parliament as follows—

1. At its meeting on 20 May 2014, the Committee considered the Public Bodies (Abolition of Food from Britain) Order 2014. The order is a United Kingdom Government instrument that the Scottish Parliament has been asked to consent to under section 9 of the Public Bodies Act 2011 (“the 2011 Act”). The Committee submits this report to the Rural Affairs, Climate Change and Environment Committee as part of its consideration of the Order.

2. The Scottish Government provided the Scottish Parliament with a Public Bodies Act consent memorandum (“PBCM”) which contains the draft order.

Background

3. The 2011 Act provides UK Ministers with the power to make orders to improve the exercise of public functions, having regard to efficiency, effectiveness, economy and securing accountability to Ministers. Section 9(1) of the Act requires the consent of the Scottish Parliament to make any order that would be within the legislative competence of the Scottish Parliament.

4. Chapter 9BA of the Standing Orders requires Public Bodies Act consent memorandums to be scrutinised by the Delegated Powers and Law Reform Committee. Such orders are subject to reporting under the same grounds as other instruments laid before the Parliament.

5. As lead committee, the Rural Affairs, Climate Change and Environment Committee will consider the policy aims of the order before the matter is considered by the Parliament as a whole.

1 The PBCM on the Public Bodies (Abolition of Food from Britain) Order 2014 is available here: http://www.scottish.parliament.uk/parliamentarybusiness/Bills/76223.aspx
Public Bodies (Abolition of Food from Britain) Order 2014

6. This UK statutory instrument abolishes the cross-border authority called Food from Britain ("FFB"), as part of the UK Government’s public body reform programme. FFB was established as a council in terms of section 1 of the Agricultural Marketing Act 1983.

7. The Order also transfers to the Secretary of State for Environment, Food and Rural Affairs the property, rights and liabilities of FFB, and it makes provision for the preparation of a final report and statement of accounts. The provision for transfer of assets, etc. is a technical provision, as the explanatory document with the Order explains that FFB is a defunct body which has not operated since 2009. It is understood not to have any staff, premises, assets or liabilities.

8. The Order also makes consequential repeals and revocations, removing references to FFB in various enactments.

9. The Order, if the necessary approvals are obtained, would come into force on the day after it is made (signed). The repeal of the entry for FFB in the schedule to the Public Bodies Act 2011 would come into force 2 days after the making of the Order.

Delegated Powers and Law Reform Committee consideration

10. At its meeting on 20 May 2014, the Committee considered the instrument under the same grounds as instruments laid before the Parliament.

11. In doing so, it determined that it did not need to draw the attention of the Parliament to the instrument on any of those grounds.
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