Delegated Powers and Law Reform Committee

75th Report, 2014 (Session 4)

Public Bodies Act Consent Memorandum on the Public Bodies (Abolition of the Home Grown Timber Advisory Committee) Order 2015

Published by the Scottish Parliament on 17 December 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:

Nigel Don (Convener)
John Mason (Deputy Convener)
Margaret McCulloch
John Scott
Stewart Stevenson
Committee Clerking Team:

Clerk to the Committee
Euan Donald

Assistant Clerk
Elizabeth Anderson

Support Manager
Daren Pratt
Delegated Powers and Law Reform Committee

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The Committee reports to the Parliament as follows—

1. At its meeting on 16 December 2014, the Committee considered the Public Bodies (Abolition of the Home Grown Timber Advisory Committee) Order 2015.

2. 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.

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

Background

4. 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.

5. 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.

6. 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 Home Grown Timber Advisory Committee) Order 2015 is available here: http://www.scottish.parliament.uk/LegislativeConsentMemoranda/AbolitionHomeGrownTimberPBACM_rev.pdf
Public Bodies (Abolition of the Home Grown Timber Advisory Committee) Order 2015

7. This UK statutory instrument abolishes the Home Grown Timber Advisory Committee (HGTAC), as part of the UK Government’s public body reform programme. The principal purpose of this body was to advise the Forestry Commissioners on their duties to establish and maintain sufficient reserves of growing trees across Great Britain. This body also advised the Commissioners on their power to control the felling of trees and the making of regulations.

8. This Order makes consequential repeals and revocations, removing references to the HGTAC in various enactments. These provisions have the effect of removing requirements to continue to maintain HGTAC and to consult HGTAC before making regulations.

9. If the necessary approvals are obtained, this Order will come into force on the day after it is made (signed).

Delegated Powers and Law Reform Committee consideration

10. At its meeting on 16 December 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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