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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.

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Introduction

1. At its meeting on 24 March 2015, the Committee agreed to draw the attention of
   the Parliament to the following instrument—

   Crofting Counties Agricultural Grants (Scotland) Variation Scheme 2015
   (SSI 2015/105).

2. The Committee’s recommendations in relation to the above instrument are set
   out below.

3. The Committee determined that it did not need to draw the Parliament's attention
   to the instruments which are set out at the end of this report.
Points raised: instruments subject to negative procedure

**Crofting Counties Agricultural Grants (Scotland) Variation Scheme 2015 (SSI 2015/105)** (Rural Affairs, Climate Change and Environment)

4. This instrument amends the Crofting Counties Agricultural Grants scheme to align with the rates applicable under the Scottish Rural Development Programme 2014-2020. Grants are also being introduced to assist with the costs of establishing common grazings committees. It comes into force on 6 April 2015.

5. In considering the instrument, the Committee asked the Scottish Government to explain the inclusion of a reference to European Union legislation which did not appear to be relevant. The correspondence is reproduced at the Annexe.

6. The Committee draws this instrument to the attention of the Parliament under the general reporting ground as it contains a minor drafting error. The instrument inserts a definition of Commission Delegated Regulation 640/2014 into the principal scheme which is not required.

7. The Committee notes that the Scottish Government has undertaken to remove this reference on the next occasion on which the principal scheme is amended.
No points raised

8. At its meeting on 24 March 2015, the Committee considered the following instruments. The Committee determined that it did not need to draw the attention of the Parliament to any of the instruments on any grounds within its remit:

**Finance**

Land and Buildings Transaction Tax (Scotland) Act 2013 (Commencement No. 2) Order 2015 (SSI 2015/108 (C.21));

Landfill Tax (Scotland) Act 2014 (Commencement No. 3 and Transitional Provisions) Order 2015 (SSI 2015/109 (C.22));

Revenue Scotland and Tax Powers Act 2014 (Commencement No. 4) Order 2015 (SSI 2015/110 (C.23)).

**Health and Sport**

Certification of Death (Scotland) Act 2011 (Commencement No. 2) Order 2015 (SSI 2015/115 (C.24)).

**Justice**

Tribunals (Scotland) Act 2014 (Commencement No. 2) Order 2015 (SSI 2015/116 (C.25)).

**Rural Affairs, Climate Change and Environment**

Annexe

Crofting Counties Agricultural Grants (Scotland) Variation Scheme 2015 (SSI 2015/105)

On 12 March 2015, the Scottish Government was asked:

Does the Scottish Government agree that the definition of Commission Delegated Regulation 640/2014 inserted into the principal Scheme by paragraph 3(2)(a) and referred to in the preamble is otiose? If so would the Scottish Government remove it from the principal Scheme on the next occasion on which that Scheme is amended to avoid any potential confusion for applicants for payment of grants under the Scheme?

The Scottish Government responded as follows:

The Scottish Government agrees that the definition of Commission Delegated Regulation 640/2014 inserted into the principal Scheme by paragraph 3(2)(a) and referred to in the preamble is otiose, given that the particular EU measure is only then referred to in a footnote to the instrument. The Scottish Government is grateful to the Committee for drawing this to its attention and therefore agrees to remove it from the principal Scheme on the next occasion on which it is amended.