Delegated Powers and Law Reform Committee

Apologies (Scotland) Bill at Stage 1
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Delegated Powers Provisions</td>
<td>2</td>
</tr>
</tbody>
</table>
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 28 April 2015, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Apologies (Scotland) Bill at stage 1 (“the Bill”). The Committee submits this report to the lead committee for the Bill under Rule 9.6.2 of Standing Orders.

2. The Member in charge of the Bill, Margaret Mitchell MSP, provided the Parliament with a memorandum on the delegated powers provisions in the Bill.

3. The Bill makes provision concerning the effect of an apology in legal proceedings. It does not apply to criminal proceedings. It applies to civil proceedings other than fatal accident inquiries and defamation proceedings.

4. It 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.

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i Apologies (Scotland) Bill [as introduced] available here: [http://www.scottish.parliament.uk/S4_Bills/Apologies%20(Scotland)%20Bill/b60s4-introd.pdf](http://www.scottish.parliament.uk/S4_Bills/Apologies%20(Scotland)%20Bill/b60s4-introd.pdf)

ii Apologies (Scotland) Bill Delegated Powers Memorandum available here: [http://www.scottish.parliament.uk/S4_Bills/Apologies_Bill_DPM3.pdf](http://www.scottish.parliament.uk/S4_Bills/Apologies_Bill_DPM3.pdf)
Delegated Powers Provisions

Section 2(3) – modifying list of exceptions to the legal proceedings covered by the Bill

Power conferred on: the Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: affirmative procedure

5. The Bill contains one delegated power which permits the Scottish Ministers to modify the list of civil proceedings which are excepted from the effect of the Bill. The power in section 2(3) enables additions to be made to the list of exceptions, for an exception to be removed, or for the description of the exception to be adjusted. This power is subject to the affirmative procedure.

6. The Committee approves the power without further comment.