Delegated Powers and Law Reform Committee

Prisoners (Control of Release) (Scotland) Bill as amended at Stage 2
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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.
Committee Membership

Convener
Nigel Don
Scottish National Party

Deputy Convener
John Mason
Scottish National Party

Margaret McCulloch
Scottish Labour

John Scott
Scottish Conservative and Unionist Party

Stewart Stevenson
Scottish National Party
Introduction

1. At its meeting on 23 June the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Prisoners (Control of Release) (Scotland) Bill at Stage 2 ("the Bill")\(^1\). The Committee submits this report to the Parliament under Rule 9.7.9 of Standing Orders.

2. The Bill was introduced by the then Cabinet Secretary for Justice on 14 August 2014. It makes provision to end the right of certain long-term prisoners to automatic early release from prison at the two-thirds point of their sentences, and to allow prisoners serving all but very short sentences to be released from prison on a particular day suitable for their re-integration into the community.

3. The Scottish Government has provided the Parliament with a supplementary memorandum on the delegated powers provisions in the Bill, in advance of Stage 3 of the Bill ("the SDPM")\(^2\).

4. The Committee reported on certain matters in relation to the delegated powers provisions in the Bill at Stage 1 in its 71\(^{st}\) report of 2014.

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\(^1\) Prisoners (Control of Release) (Scotland) Bill as amended at Stage 2 available here: [http://www.scottish.parliament.uk/S4_Bills/Prisoners%20(Scotland)%20Bill/b54s4-stage2-amend.pdf](http://www.scottish.parliament.uk/S4_Bills/Prisoners%20(Scotland)%20Bill/b54s4-stage2-amend.pdf)

\(^2\) Prisoners (Control of Release) (Scotland) Bill (as amended at Stage 2) Supplementary Delegated Powers Memorandum available here: [http://www.scottish.parliament.uk/S4_Bills/Prisoners%20(Scotland)%20Bill/Supplementary_Delegated_Powers_Memorandum_Prisoners.pdf](http://www.scottish.parliament.uk/S4_Bills/Prisoners%20(Scotland)%20Bill/Supplementary_Delegated_Powers_Memorandum_Prisoners.pdf)
Delegated Powers Provisions

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

   - Section 3 – Commencement

7. The Committee approves this power and welcomes the amendments made to sections 1 and 3 of the bill at Stage 2, which have taken account of the Committee’s recommendation at Stage 1, to enhance Parliament’s scrutiny of the provisions.