



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 10 November 2015

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DELEGATED POWERS AND LAW REFORM COMMITTEE

31st Meeting 2015, Session 4

CONVENER

*Nigel Don (Angus North and Mearns) (SNP)

DEPUTY CONVENER

*John Mason (Glasgow Shettleston) (SNP)

COMMITTEE MEMBERS

*Richard Baker (North East Scotland) (Lab)

*John Scott (Ayr) (Con)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 10 November 2015

[The Convener opened the meeting at 11:30]

Decision on Taking Business in Private

The Convener: I welcome members to the 31st meeting in 2015 of the Delegated Powers and Law Reform Committee. As always, I ask members to turn off their mobile phones.

Agenda item 1 is a decision on taking business in private. It is proposed that the committee takes in private item 8, which will enable the committee to consider its approach to the scrutiny of the Bankruptcy (Scotland) Bill.

Does the committee agree to take item 8 in private?

Members *indicated agreement.*

Instruments subject to Negative Procedure

European Maritime and Fisheries Fund (Grants) (Scotland) Regulations 2015 (SSI 2015/359)

11:30

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2015 (SSI 2015/363)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Private Rented Housing Panel (Tenant and Third Party Applications) (Scotland) Regulations 2015 (SSI 2015/369)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Diligence against Earnings (Variation) (Scotland) Regulations 2015 (SSI 2015/370)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Instruments not subject to Parliamentary Procedure

Act of Sederunt (Sheriff Appeal Court Rules) 2015 (SSI 2015/356)

11:31

The Convener: The instrument contains defective drafting. Rule 5.6 includes provision as to where a document or other matter is intimated under the rules to the solicitor for the receiving party. Subparagraphs (2) and (3) of the rule are in conflicting terms where intimation is given at 17:00 hours precisely on any day. Subparagraph (2) provides that the date of intimation is that day, whereas subparagraph (3) provides that the date of intimation is the next day.

The Lord President's private office has undertaken to lay a further instrument that will correct that error in time for the act of sederunt coming into force on 1 January 2016.

Does the committee agree to draw the instrument to the attention of the Parliament on reporting ground (i), as rule 5.6 appears to be defectively drafted?

Members *indicated agreement.*

Community Empowerment (Scotland) Act 2015 (Commencement No 2) Order 2015 (SSI 2015/358)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Water Act 2014 (Commencement No 1) (Scotland) Order 2015 (SSI 2015/360)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Mental Health (Scotland) Act 2015 (Commencement No 1, Transitional and Saving Provisions) Order 2015 (SSI 2015/361)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Scottish Independence Referendum (Chief Counting Officer and Counting Officer Charges and Expenses) Order 2015 (SSI 2015/368)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No 5) (Request for Final Decision and Reasons) 2015 (SSI 2015/375)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Abusive Behaviour and Sexual Harm (Scotland) Bill: Stage 1

11:33

The Convener: The purpose of agenda item 4 is for the committee to consider the delegated powers in the Abusive Behaviour and Sexual Harm (Scotland) Bill. Members have seen a paper on the issue, the recommendations in which will form the basis of a report to the lead committee. The draft report will not be discussed by the committee before it is published.

Is the committee content with the delegated powers in sections 8, 14(4)(a), 40 and 43 of the bill?

Members *indicated agreement.*

Criminal Verdicts (Scotland) Bill: Stage 1

11:33

The Convener: Under agenda item 5, members are invited to consider the delegated powers provisions in the Criminal Verdicts (Scotland) Bill. If members are content with the recommendations in the paper, they will form the basis of a report to the lead committee. The draft report will not be discussed by the committee before it is published.

Is the committee content with the delegated powers in sections 4 and 5 of the bill?

Members *indicated agreement.*

Higher Education Governance (Scotland) Bill: Stage 1

11:33

The Convener: The purpose of agenda item 6 is to enable the committee to consider the Scottish Government's response to its stage 1 report on the Higher Education Governance (Scotland) Bill.

Is the committee content to note the response and, if necessary, to reconsider the bill after stage 2?

Members *indicated agreement.*

Succession (Scotland) Bill: Stage 1

11:34

The Convener: The purpose of agenda item 7 is for the committee to consider the Scottish Government's response to its report on the delegated powers in the Succession (Scotland) Bill. Do members have any comments?

Richard Baker (North East Scotland) (Lab): I note the Scottish Government's response. The matters in question are ones that we will be able to raise with the Minister for Parliamentary Business when we take evidence from him before the end of the year.

The Convener: Indeed.

With that, is the committee content to note the response and, if necessary, to reconsider the bill after stage 2?

Members *indicated agreement.*

11:34

Meeting continued in private until 11:36.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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