

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 2 September 2008

Session 3

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# **SUBORDINATE LEGISLATION COMMITTEE**

## **23<sup>rd</sup> Meeting 2008, Session 3**

### **CONVENER**

\*Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

### **DEPUTY CONVENER**

\*Gil Paterson (West of Scotland) (SNP)

### **COMMITTEE MEMBERS**

Jackie Baillie (Dumbarton) (Lab)

\*Jackson Carlaw (West of Scotland) (Con)

\*Helen Eadie (Dunfermline East) (Lab)

Ian McKee (Lothians) (SNP)

\*John Park (Mid Scotland and Fife) (Lab)

### **COMMITTEE SUBSTITUTES**

Bill Aitken (Glasgow) (Con)

Christopher Harvie (Mid Scotland and Fife) (SNP)

Elaine Smith (Coatbridge and Chryston) (Lab)

Margaret Smith (Edinburgh West) (LD)

\*attended

### **CLERK TO THE COMMITTEE**

Shelagh McKinlay

### **SENIOR ASSISTANT CLERK**

David McLaren

### **ASSISTANT CLERK**

Jake Thomas

### **LOCATION**

Committee Room 5

## Scottish Parliament

### Subordinate Legislation Committee

*Tuesday 2 September 2008*

[THE CONVENER *opened the meeting at 14:15*]

### Disabled Persons' Parking Places (Scotland) Bill: Stage 1

**The Convener (Jamie Stone):** The minute has come. I welcome members to the 23<sup>rd</sup> meeting in 2008 of the Subordinate Legislation Committee. We have apologies from Jackie Baillie and Ian McKee. As usual, members should check that they have turned off their mobiles, BlackBerrys and whatnot.

Members should note that the bill is a member's bill and that the member in charge is Jackie Baillie, who is also a member of this committee. Although Jackie is not here today, I should say that under rule 9.13A.2 of standing orders, she will not be able to participate in any consideration of the bill by this committee. Jackie has been made aware of this; indeed, she knew it already.

On section 5, "Disabled street parking orders: requests by qualifying persons", are we satisfied that the delegated powers in subsection (6) are acceptable in principle, and that they are subject to negative procedure?

**Members indicated agreement.**

**The Convener:** Are we also content to draw to the attention of the lead committee and Parliament the power conferred on local authorities in section 5(6)(b), on the basis set out in the summary of recommendations, to which I should have drawn members' attention earlier?

**Members indicated agreement.**

**The Convener:** On section 11, "Annual reports by local authorities", are members satisfied that the delegated power in subsection (3) is acceptable in principle, and that it is subject to affirmative procedure?

On section 12, "Annual report by the Scottish ministers", are members satisfied that the delegated power in subsection (3) is acceptable in principle, and that it is subject to affirmative procedure? Are we content with those points?

**Members indicated agreement.**

**The Convener:** That concludes our consideration of the bill at stage 1. However, the

bill is of some interest to many people beyond this committee.

### Damages (Asbestos-related Conditions) (Scotland) Bill: Stage 1

14:17

**The Convener:** The bill contains only one delegated power, which is in section 4, "Commencement and retrospective effect". Are we satisfied that the commencement power in section 4(1) is acceptable in principle and that it is subject to no parliamentary procedure?

**Members indicated agreement.**

**The Convener:** That concludes our consideration of the bill at stage 1.

## Scottish Government Response

### Legal Profession and Legal Aid (Scotland) Act 2007 (Transitional, Savings and Consequential Provisions) Order 2008 (Draft)

14:18

**The Convener:** After our meeting on 24 June, the committee wrote to the Scottish Government about one instrument. Members have seen the response and will note that the order has been withdrawn and replaced by one that we will consider later in today's meeting. As we raised questions on the draft order with the Scottish Government, we should still draw the lead committee and Parliament's attention to the Government's response.

Are we content with the Government's response to our questions (a) and (b) and, if so, to draw the order to the attention of the lead committee and Parliament on that basis?

**Members** *indicated agreement.*

**The Convener:** As I have just referred to our previous meeting on 24 June, I apologise for not welcoming you all back. I hope that everyone, including all our officials, had a relaxing summer. It might be unusual to insert that at this point in the meeting, but it is only good manners.

## Draft Instruments Subject to Approval

### Public Appointments and Public Bodies etc (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2008 (Draft)

### Legal Profession and Legal Aid (Scotland) Act 2007 (Transitional, Savings and Consequential Provisions) Order 2008 (Draft)

### Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2008 (Draft)

*The committee agreed that no points arose on the instruments.*

14:18

**The Convener:** Members might wish to note that the draft Legal Profession and Legal Aid (Scotland) Act 2007 (Transitional, Savings and Consequential Provisions) Order 2008 replaces the order that we have just discussed, which the Government withdrew.

## Instruments Subject to Annulment

### Plastic Materials and Articles in Contact with Food (Scotland) Amendment Regulations 2008 (SSI 2008/261)

14:19

**The Convener:** Are we content to ask the Scottish Government questions (i) and (ii), as set out in the summary of recommendations?

Members will note that the regulations raise significant concerns about whether it was appropriate to bring some of the provisions into force before the expiry of the 21-day period after they were laid. That is the nub of the problem. We have had a partial explanation of why the niceties have not been observed, but not a complete explanation. We do not have to do things immediately, so the suggestion is that we write to the Government, seeking an explanation of why there is such a rush that we cannot stick to the 21-day rule. We could consider the written response at next week's meeting and then decide whether to write more formally. Our course of action will depend upon the response.

We have some time. We are giving the Government another opportunity, albeit a formal one by means of letters. Would that be a satisfactory approach to take at this stage? Are members content with that?

**Members** *indicated agreement.*

**The Convener:** Does that give the clerk a good enough decision?

**Shelagh McKinlay (Clerk):** Yes.

### Control of Salmonella in Poultry (Scotland) Order 2008 (SSI 2008/266)

**The Convener:** Are members content to ask the Scottish Government questions (a) and (b) as set out in the summary of recommendations? Are we also content to draw to the attention of the lead committee the lack of clarity around how the Government will ensure compliance with article 1.1 of European Commission regulation 1168/2006, in the circumstances set out in the summary of recommendations?

**Members** *indicated agreement.*

### Scotland Act 1998 (Agency Arrangements) (Specification) (No 2) Order 2008 (SI 2008/1788)

### Public Service Vehicles (Registration of Local Services) (Scotland) Amendment Regulations 2008 (SSI 2008/253)

### Water Environment (Relevant Enactments and Designation of Responsible Authorities and Functions) Order 2008 (SSI 2008/263)

### Housing Grants (Application Forms) (Scotland) Amendment Regulations 2008 (SSI 2008/283)

*The committee agreed that no points arose on the instruments.*

## Instruments Not Laid Before the Parliament

**Water Environment and Water Services  
(Scotland) Act 2003 (Commencement No  
8) Order 2008 (SSI 2008/269)**

**Act of Adjournal (Criminal Procedure  
Rules Amendment No 3) (Seizure and  
Disposal of Vehicles) 2008 (SSI 2008/275)**

**Adoption and Children (Scotland) Act 2007  
(Commencement No 2) Order 2008  
(SSI 2008/282)**

14:22

*The committee agreed that no points arose on the instruments.*

**The Convener:** Members should note from the annex to the summary of recommendations that minor points arise on the draft Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2008, as well as on statutory instrument 1788, and on Scottish statutory instrument 2008/261, SSI 2008/263 and SSI 2008/275. Those points will be raised informally with the Scottish Government.

The committee will next meet on Tuesday 9 September at 2.15. I also remind members that we will have our get-together a week after that at 3 o'clock; it is not so much an away day as an away afternoon.

I thank the members, our legal team, the official report and everyone else who has helped us out today.

*Meeting closed at 14:23.*

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**Wednesday 10 September 2008**

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