



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 14 June 2011

Session 4

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SUBORDINATE LEGISLATION COMMITTEE

1st Meeting 2011, Session 4

CONVENER

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

DEPUTY CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

COMMITTEE MEMBERS

*Chic Brodie (South Scotland) (SNP)

*Kezia Dugdale (Lothian) (Lab)

*Mike MacKenzie (Highlands and Islands) (SNP)

John Scott (Ayr) (Con)

*Drew Smith (Glasgow) (Lab)

*attended

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

Committee Room 6

Scottish Parliament

Subordinate Legislation Committee

Tuesday 14 June 2011

[Chic Brodie *opened the meeting at 14:33*]

Interests

Chic Brodie (South Scotland) (SNP): Good afternoon. Welcome to the first meeting of the Subordinate Legislation Committee in the fourth session of the Scottish Parliament. The paper before me says that it is in my capacity as the “older member” of the committee, rather than the “oldest member”, that it is my job to sit here temporarily as convener. I thank Irene Fleming for that.

Everyone should remember to switch off their BlackBerrys, iPhones and whatever else they have, as they interfere with the sound system. Please ensure that they are switched to silent if you have them with you.

We have received apologies from John Scott.

Item 1 is a declaration of interests. As was indicated before the meeting, members have received the relevant information. I invite members to declare their interests in accordance with section 3 of the code of conduct for members of the Scottish Parliament. I remind members that any declaration should be brief and succinct, but sufficiently detailed to make clear the nature of their interest and its impact, if any, on the conduct of committee business.

I will start. I am a shareholder in three companies, two of which are in the process of liquidation. One is a sheet metal company, in which I hold 20 per cent of the shares. I have a 10 per cent share in a software company—I have written to the directors, transferring my shares back to the company. I hold 25 per cent of the shares in an electronics company, which is now in the process of liquidation. I resigned some time ago as director of those companies.

Nigel Don (Angus North and Mearns) (SNP): I draw members’ attention to my entry in the register of interests of members of the Scottish Parliament, but I do not think that anything in it has any substantial connection with the committee.

James Dornan (Glasgow Cathcart) (SNP): I echo Nigel Don’s comments. I have nothing of any substantial interest to the committee.

Mike MacKenzie (Highlands and Islands) (SNP): The same is generally true for me. I

continue to be a director of a small property development company and I am the major shareholder in that company.

Kezia Dugdale (Lothian) (Lab): I have no registrable interests, but I have a number of voluntary items in my entry in the register of interests.

Drew Smith (Glasgow) (Lab): I have no entries in the register of interests that would be of interest to the committee.

Chic Brodie: Thank you.

Convener

14:36

Chic Brodie: Item 2 is to choose the committee's convener. The Parliament has agreed that members of only the Scottish National Party are eligible for nomination as convener. I seek nominations for the post.

James Dornan: I nominate Nigel Don.

Chic Brodie: One nomination has been received, and the committee is invited to agree that Nigel Don be chosen as convener of the committee.

Nigel Don was chosen as convener.

Chic Brodie: Nigel can now take the hot seat. I congratulate him on his appointment and hand over the chair for the remainder of proceedings.

The Convener (Nigel Don): Thank you for electing me. I hope that I shall succeed in matching your aspirations and hopes for the future success of the committee.

Deputy Convener

14:37

The Convener: Item 3 is the selection of the deputy convener. Members have before them a note from the clerk setting out the procedure, which, as you will see, is similar to that which was used to elect me. The Parliament has agreed that members of the Scottish National Party are eligible to be chosen as deputy convener of the committee. That being the case, I invite nominations for the position.

Mike MacKenzie: I am pleased to nominate Chic Brodie as deputy convener.

The Convener: Well, I do not think that you are supposed to.

Mike MacKenzie: Maybe not. Then I will withdraw that.

The Convener: No, no. I am sorry—you are very welcome to nominate Chic.

I nominate James Dornan, in the context of previous conversations.

There are two nominations, so I will have to put a question to the committee. I will just sort out with the clerk the best way of doing that. *[Interruption.]*

The question is, that James Dornan be selected as deputy convener of the committee. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Brodie, Chic (South Scotland) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)

Abstentions

Dugdale, Kezia (Lothian) (Lab)
Smith, Drew (Glasgow) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 2.

James Dornan was chosen as deputy convener.

Work Programme

14:40

The Convener: Agenda item 4 is to consider the committee's approach to developing a work programme. I refer members to the paper by the clerk. Do members have any comments on it?

In as much as no one has spoken, are we all happy with the paper on the programme? Members will note that they are invited to agree to hold a business planning meeting towards the end of the summer and to delegate authority to ask the Scottish Government questions on instruments to the committee's legal advisers. Do members agree to do so?

Members indicated agreement.

Instruments subject to Annulment

Aquatic Animal Health (Scotland) Amendment Regulations 2011 (SSI 2011/259)

14:41

The Convener: We move on to item 5, which is the substantial part of this afternoon's meeting.

As members will note, the instrument was not laid at least 28 days before it came into force, as is required by section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. The Government has provided an explanation for its failure to comply with that requirement. Are members content to draw the instrument to the attention of the Parliament on reporting ground (j) and, in so doing, to indicate that the committee is satisfied with the explanation that the Government has provided?

Members indicated agreement.

Rural Development Support Measures (Control Procedures and Miscellaneous Amendments) (Scotland) Regulations 2011 (SSI 2011/260)

Education Maintenance Allowances (Scotland) Amendment Regulations 2011 (SSI 2011/261)

Crofting Counties Agricultural Grants (Scotland) Amendment Scheme 2011 (SSI 2011/262)

National Health Service Central Register (Scotland) Amendment Regulations 2011 (SSI 2011/265)

General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules Order of Council 2011 (SI 2011/1367)

The committee agreed that no points arose on the instruments.

Instruments not laid before the Parliament

Act of Sederunt (Jurisdiction in Respect of Parental Responsibility and Measures for the Protection of Children Rules) 2011 (SSI 2011/192)

14:43

The Convener: As members will note from the legal brief, our legal advisers are of the opinion that the meaning of the instrument could be clearer in so far as it relates to establishing the identity of a current postal service. Given that concern, do members agree to draw the instrument to the attention of the Parliament on reporting ground (h), which is that its meaning could be clearer?

Members *indicated agreement.*

Act of Sederunt (Rules of the Court of Session Amendment No 3) (Miscellaneous) 2011 (SSI 2011/190)

Act of Sederunt (Valuation Appeal Rules Amendment) 2011 (SSI 2011/191)

Act of Sederunt (Sheriff Court Rules) (Miscellaneous Amendments) 2011 (SSI 2011/193)

Act of Adjournal (Criminal Procedure Rules Amendment No 3) (Miscellaneous) 2011 (SSI 2011/194)

The committee agreed that no points arose on the instruments.

The Convener: That completes today's business. Our next meeting will be on Tuesday 21 June.

Meeting closed at 14:44.

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