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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

**Note:** The membership of the Committee changed during the period covered by this report, as follows:

John Mason (Scottish National Party, Glasgow Shettleston) joined the Committee on 27 November 2014, replacing Mike Mackenzie (Scottish National Party, Highlands and Islands) and became Deputy Convener on 16 December 2014.

Richard Baker (Scottish Labour, North East Scotland) and Stuart McMillan, Deputy Convener (Scottish National Party, West Scotland) both resigned from the Committee on 11 December 2014.
Introduction

1. This Report covers the work of the Committee during the parliamentary year from 11 May 2014 to 10 May 2015. The Committee has scrutinised a number of Bills and Scottish statutory instruments this year, reporting to subject Committees and the Parliament on issues such as the scope of delegated powers and whether delegated powers are within vires, as well as on detailed drafting issues.

2. The Committee also considered its first Scottish Law Commission (SLC) Bill following a remit change agreed to by Parliament in 2013 to provide for the scrutiny of certain SLC Bills. The Committee completed its consideration of the Legal Writings (Counterparts and Delivery) (Scotland) Bill in January 2015 and the Bill was passed at Stage 3 the following month.
Bills

3. In addition to SLC Bills, the Committee considers delegated powers provisions in Scottish Government, Members’, Committee and Private Bills. Over the reporting period, the Committee has considered and reported on the following fourteen Bills at Stage 1:
   - Historic Environment Scotland Bill;
   - Food (Scotland) Bill;
   - Welfare Funds (Scotland) Bill;
   - Mental Health (Scotland) Bill;
   - Community Empowerment (Scotland) Bill;
   - Prisoners (Control of Release) (Scotland) Bill;
   - Budget (Scotland) (No.4) Bill;
   - Air Weapons and Licensing (Scotland) Bill;
   - Assisted Suicide (Scotland) Bill;
   - Human Trafficking and Exploitation (Scotland) Bill;
   - British Sign Language (Scotland) Bill;
   - Scottish Elections (Reduction of Voting Age) (Scotland) Bill;
   - Carers (Scotland) Bill;
   - Apologies (Scotland) Bill.

4. The Committee also considered and reported on the following seven Bills as amended at Stage 2:
   - Housing (Scotland) Bill;
   - Buildings (Recovery of Expenses) (Scotland) Bill;
   - Revenue Scotland and Tax Powers Bill;
   - Courts Reform (Scotland) Bill;
   - Historic Environment (Scotland) Bill;
   - Food (Scotland) Bill;
   - Welfare Funds (Scotland) Bill.

5. With the exception of the Buildings (Recovery of Expenses) (Scotland) Bill, Assisted Suicide (Scotland) Bill and the British Sign Language (Scotland) Bill, all of the Bills were Scottish Government Bills and, as with previous years, the recommendations of the Committee on Bills have led to a number of changes by the Scottish Government to relevant provisions. Through its scrutiny process, the Committee also aims to ensure that the correct balance between primary and secondary legislation is maintained.

6. The Committee also considered four Legislative Consent Memorandums (LCMs). These are Westminster Bills which seek to change the law or alter Scottish Ministers’ or the Scottish Parliament’s powers in relation to devolved matters. The four LCMs considered by the Committee were on:
   - Small Business, Enterprise and Employment Bill (UK Parliament legislation);
   - Criminal Justice and Courts Bill (UK Parliament legislation);
   - Modern Slavery Bill (UK Parliament legislation);
   - Serious Crime Bill (UK Parliament legislation).
7. The Committee also considered three Supplementary Legislative Consent Memorandums on:
   - Deregulation Bill (UK Parliament legislation);
   - Small Business, Enterprise and Employment Bill (UK Parliament legislation);
   - Serious Crime Bill (UK Parliament legislation).

8. The Committee also gave consideration to three Public Body Consent Memorandums (PBCMs). These relate to draft orders made under sections 1 to 5 of the Public Bodies Act 2011 which would fall within the Scottish Parliament’s legislative competence. The PBCMs considered by the Committee were on:
   - Public Bodies (Abolition of Food from Britain) Order 2014 [draft];
   - Public Bodies (Abolition of the Home Grown Timber Advisory Committee) Order 2015 [draft];
   - Public Bodies (Abolition of the Advisory Committee on Pesticides) Order 2015 [draft].
Subordinate Legislation

9. The Committee has continued to work to tight timescales in its consideration of subordinate legislation, producing 70 reports over the reporting year. During the parliamentary year, the Committee published 36 statutory instrument reports, reporting on 353 Scottish statutory instruments in total.

10. Of the instruments considered, 97 were subject to affirmative procedure, 169 to negative procedure, and 83 were not subject to any Parliamentary procedure.

11. In addition to the instruments outlined above, the Committee also considered two provisional-affirmative instruments, and two draft documents subject to approval.

12. The Committee published three quarterly reports which recorded the Committee’s scrutiny of instruments during the first three quarters of this parliamentary year.
Equalities

13. The Committee considers equalities issues which can arise under the European Convention on Human Rights and under Community law. It is part of the Committee’s remit to draw the attention of lead committees and the Parliament to any instrument, or Bill, that, in its opinion, fails to comply with any such requirement.

14. The Committee also scrutinises drafting practice and so points out, for example, failure to use gender neutral language in instruments. This the Committee did when reporting the following four SSIs:
   - Firefighters’ Compensation Scheme (Scotland) Amendment Order 2014 (SSI 2014/109);
   - Firefighters’ Pension Scheme (Scotland) Amendment (No. 2) Order 2014 (SSI 2014/110);
   - Bankruptcy (Scotland) Regulations 2014 (SSI 2014/225);

15. In its scrutiny of delegated powers within the British Sign Language (Scotland) Bill, the Committee meeting at which the delegated powers were considered was translated by a British Sign Language (BSL) interpreter. The Committee’s subsequent report on the delegated powers was also translated.
Meetings

16. The Committee met 36 times during the parliamentary year. Of these meetings, none were entirely in private and 21 included items in private.

17. The main reason for taking business in private was to consider draft reports.

18. On 16 December 2014, the Committee took evidence from the Minister for Parliamentary Business on a range of issues including the Committee’s analysis of instruments that had been laid during the previous parliamentary year.