DELEGATED POWERS AND LAW REFORM COMMITTEE

AGENDA

4th Meeting, 2018 (Session 5)

Tuesday 6 February 2018

The Committee will meet at 10.00 am in the Adam Smith Room (CR5).

1. **Decision on taking business in private:** The Committee will decide whether to take items 6 and 7 in private.

2. **Instruments subject to affirmative procedure:** The Committee will consider the following—

   - Proceeds of Crime Act 2002 (Searches under Part 5: Constables in Scotland: Code of Practice) Order 2018 [draft];
   - Courts Reform (Scotland) Act 2014 (Consequential and Supplemental Provisions) Order 2018 [draft];
   - National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Amendment Order 2018 [draft];
   - Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2018 [draft].

3. **Instruments subject to negative procedure:** The Committee will consider the following—

   - Community Care (Provision of Residential Accommodation Outwith Scotland) (Scotland) Amendment Regulations 2018 (SSI 2018/16);
   - Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2018 (SSI 2018/22);
   - Functions of Health Boards and Special Health Boards (Scotland) (Miscellaneous Amendments) Order 2018 (SSI 2018/27).

4. **Instruments not subject to any parliamentary procedure:** The Committee will consider the following—

   - Carers (Scotland) Act 2016 (Commencement No. 3) Regulations 2018 (SSI 2018/25 (C.3));
   - Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Commencement No. 3) Regulations 2018 (SSI 2018/26 (C.4)).
5. **Budget (Scotland) (No.2) Bill:** The Committee will consider the delegated powers provisions in this Bill at Stage 1.

6. **Social Security (Scotland) Bill:** The Committee will consider correspondence from the Social Security Committee.

7. **European Union (Withdrawal) Bill:** The Committee will consider a paper from the Clerk outlining recent developments of relevance to its ongoing consideration of the European Union (Withdrawal) Bill.

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The papers for this meeting are as follows—

**Agenda Items 2, 3 and 4**

Briefing on Instruments (private) DPLR/S5/18/4/1(P)

**Agenda Item 3**

Instrument Responses DPLR/S5/18/4/2

**Agenda Item 5**

*Budget (Scotland) (No.2) Bill - As Introduced*

*Budget (Scotland) (No.2) Bill - Delegated Powers Memorandum*

Briefing Paper (private) DPLR/S5/18/4/3(P)

**Agenda Item 6**

*Social Security (Scotland) Bill - As Introduced*

*Social Security (Scotland) Bill - Delegated Powers Memorandum*

*Letter from the Convener of the Social Security Committee to the Convener*

Briefing Paper (private) DPLR/S5/18/4/4(P)

**Agenda Item 7**

*European Union (Withdrawal) Bill - As Introduced in the House of Lords*

*European Union (Withdrawal) Bill - Delegated Powers Memorandum*

*House of Commons Procedure Committee - Call for evidence on Exiting the EU: scrutiny of delegated legislation*

Briefing Paper (private) DPLR/S5/18/4/5(P)
DELEGATED POWERS AND LAW REFORM COMMITTEE

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Instrument Responses

INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE

Community Care (Provision of Residential Accommodation Outwith Scotland) (Scotland) Amendment Regulations 2018 (SSI 2018/16)

On 23 January 2018, the Scottish Government was asked:

The Regulations state in both the italicised heading and regulation 1 that they come into force on 3 April 2018. However, the Regulation and Inspection of Social Care (Wales) Act 2016 (Commencement No. 5, Savings, Transitory and Transitional Provisions) Order 2017 (SI 2017/1326) provides that section 2 of, and paragraphs 1 to 3 and 8 of Schedule 1 and Part 1 of Schedule 3 to, the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”) will come into force on 2 April 2018.

a) Please explain the reason/s for the difference of one day between the coming into force date of the Regulations and the relevant coming into force date for the 2016 Act, and the impact of that difference?

b) If it is intended that the coming into force of the Regulations should be the same as the relevant coming into force date for the 2016 Act, is corrective action proposed?

The Scottish Government responded as follows:

In response to question a), the reason for the difference of one day is because the Scottish Government had been advised by colleagues in the Welsh Government that section 2 of, and paragraphs 1 of schedule 1 and part 1 of schedule 3 to, the 2016 Act were due to come into force on 3rd April 2018.

In response to question b), it is intended that the coming into force date of the Regulations should be the same as the coming into force date of the relevant provisions of the 2016 Act. The Scottish Government propose to take corrective action in the form of making and laying an SSI which revokes SSI 2018/16 and makes equivalent amendments to the Provision of Residential Accommodation Outwith Scotland (Scotland) Regulations 2015, with a coming into force date of 2nd April 2018.