DELEGATED POWERS AND LAW REFORM COMMITTEE

AGENDA

19th Meeting, 2018 (Session 5)

Tuesday 29 May 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 5 and 6 in private.

2. **Instruments subject to affirmative procedure**: The Committee will consider the following—
   - Land and Buildings Transaction Tax (Group Relief Modification) (Scotland) Order 2018 [draft];
   - Land and Buildings Transaction Tax (First-Time Buyer Relief) (Scotland) Order 2018 [draft].

3. **Instruments subject to negative procedure**: The Committee will consider the following—
   - Seed (Fees) (Scotland) Regulations 2018 (SSI 2018/152);
   - Courts Reform (Scotland) Act 2014 (Regulation of Fees) (Specified Persons) Order 2018 (SSI 2018/158);
   - Late Payment of Commercial Debts (Scotland) Amendment Regulations 2018 (SSI 2018/160);
   - Traffic Signs Amendment (Scotland) Regulations and General Directions 2018 (SSI 2018/161).

4. **Code of Practice on Litter and Refuse (Scotland) 2018**: The Committee will consider the Code of Practice on Litter and Refuse (Scotland) 2018.

5. **Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill**: The Committee will consider the delegated powers provisions in this Bill after Stage 2.

6. **Islands (Scotland) Bill**: The Committee will consider a letter from the Minister for Parliamentary Business regarding a proposed delegated powers provision in this Bill at Stage 3.
The papers for this meeting are as follows—

**Agenda Items 2, 3 and 4**

Briefing on Instruments (private) DPLR/S5/18/19/1(P)

**Agenda Item 3**

Instrument Responses DPLR/S5/18/19/2

**Agenda Item 5**

**Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill - As Amended at Stage 2**

**Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill - Revised Delegated Powers Memorandum**

Briefing Paper (private) DPLR/S5/18/19/3(P)

**Agenda Item 6**

**Islands (Scotland) Bill - As Amended at Stage 2**

**Islands (Scotland) Bill - Letter from the Minister for Parliamentary Business to the Convener regarding an amendment providing for a new delegated power at Stage 3**
Seed (Fees) (Scotland) Regulations 2018 (SSI 2018/152)

On 17 May 2018, the Scottish Government was asked:

1. Regulation 6(1) revokes regulations 3(1) (except for the definition of "the 2016 Regulations"), 3(2), 4 to 7 and schedules 1 and 2 of the Seed (Fees etc.) (Scotland) Regulations 2017. The effect of this is to leave regulation 8 in place. Regulation 8 is an amending provision and the amendment it contains has already taken effect.

Why is it considered necessary or desirable to except regulation 8 from the provisions being revoked, in light of the terms of section 16(1)(b) (general savings) of the Interpretation Act 1978?

The Scottish Government responded as follows:

It is accepted that in the absence of an express savings provision it would have been possible to rely on section 16(1)(b) of the Interpretation Act 1978 in this particular case. However, it was considered that it would provide clarity to the reader not to revoke Regulation 8 of the Seed (Fees etc.) (Scotland) Regulations 2017 which related to the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016. The revocations of the other provisions of the 2017 Regulations were concerned with seed fees. Section 16(1)(b) of the 1978 Act does not of course preclude an express saving provision in such circumstances.