DELEGATED POWERS AND LAW REFORM COMMITTEE

MINUTES

24th Meeting, 2018 (Session 5)

Tuesday 4 September 2018

Present:

Tom Arthur
Alison Harris
Graham Simpson (Convener)
Neil Findlay
Stuart McMillan (Deputy Convener)

The meeting opened at 9.45 am.

1. **Decision on taking business in private:** The Committee agreed to take items 6, 7, 8, 9 and 10 in private. The Committee also agreed that consideration of its approach to the delegated powers provisions in the bills being considered at its meeting on Tuesday 11 September should be taken in private.

2. **Instruments/documents laid for consultation:** The Committee agreed to draw the attention of the Parliament to the following—


3. **Instruments subject to affirmative procedure:** The Committee agreed that no points arose on the following—

   - Public Services Reform (Poverty and Inequality Commission) (Scotland) Order 2018 [draft];
   - Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Poverty and Inequality Commission and Scottish Commission on Social Security as Specified Authorities) Order 2018 [draft];
   - Regulation of Social Housing (Influence of Local Authorities) (Scotland) Regulations 2018 [draft].
4. **Instruments subject to negative procedure:** The Committee agreed to draw the attention of the Parliament to the following—

   Council Tax Reduction (Scotland) Amendment (No. 2) Regulations 2018 (SSI 2018/211);

   and that no points arose on the following—

   Letting Agent Registration (Scotland) Amendment Regulations 2018 (SSI 2018/196);
   National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2018 (SSI 2018/212);
   Firefighters’ Pension Scheme (Scotland) Amendment Order 2018 (SSI 2018/215);
   Firemen’s Pension Scheme (Amendment) (Scotland) Order 2018 (SSI 2018/216);
   Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Amendment Order 2018 (SSI 2018/218);
   Scalpay Island, Isle of Skye, Scallops Several Fishery Order 2018 (SSI 2018/245);
   Licensing (Fees) (Scotland) Amendment Regulations 2018 (SSI 2018/256);
   Scottish Administration (Offices) Order 2018 (SI 2018/781);

   In relation to the Council Tax Reduction (Scotland) Amendment (No. 2) Regulations 2018, the Convener proposed that the Committee considers that the Regulations raise a devolution issue and should be drawn to the attention of the Parliament on that basis. The proposal was agreed to by division (For 3, Against 2, Abstentions 0).

   The Committee also agreed to write to the Cabinet Secretary for Finance, Economy and Fair Work to obtain an update on any plans on the part of the Scottish Government to review the council tax reduction scheme in light of recent and impending changes to both the reserved and devolved benefits systems.

5. **Instruments not subject to any parliamentary procedure:** The Committee agreed that no points arose on the following—

   Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Approval of Sentencing Guidelines) 2018 (SSI 2018/229);
   Housing (Amendment) (Scotland) Act 2018 (Commencement and Savings Provisions) Regulations 2018 (SSI 2018/253 (C.18)).

6. **Age of Criminal Responsibility (Scotland) Bill (in private):** The Committee considered further the delegated powers provisions in this Bill at Stage 1 and agreed to consider a draft report in private at its next meeting.
7. **Human Tissue (Authorisation) (Scotland) Bill (in private):** The Committee considered its approach to the delegated powers provisions in this Bill at Stage 1 and agreed to ask questions of the Scottish Government in writing on certain powers within the Bill.

8. **Climate Change (Emissions Reduction Targets) (Scotland) Bill (in private):** The Committee considered its approach to the delegated powers provisions in this Bill at Stage 1 and agreed to seek clarification from the Scottish Government in writing on the delegated power in section 1 of the Bill.

9. **Damages (Investment Returns and Periodical Payments) (Scotland) Bill (in private):** The Committee considered its approach to the delegated powers provisions in this Bill at Stage 1 and agreed to ask questions of the Scottish Government in writing on the powers in section 2C.

10. **Work programme (in private):** The Committee considered its work programme which included consideration of revisions made to the SI protocol in relation to the European Union (Withdrawal) Act 2018 and agreed to note the changes.

The meeting closed at 10.18 am.

Andrew Proudfoot  
Clerk to the Delegated Powers and Law Reform Committee  
Room T1.01  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5212  
Email: andrew.proudfoot@parliament.scot