



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 6 October 2015

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DELEGATED POWERS AND LAW REFORM COMMITTEE

28th Meeting 2015, Session 4

CONVENER

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

DEPUTY CONVENER

*John Mason (Glasgow Shettleston) (SNP)

COMMITTEE MEMBERS

Richard Baker (North East Scotland) (Lab)

*John Scott (Ayr) (Con)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

James Kelly (Rutherglen) (Lab) (Committee Substitute)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 6 October 2015

[The Convener opened the meeting at 11:45]

Decision on Taking Business in Private

The Convener (Nigel Don): I welcome members to the 28th meeting in 2015 of the Delegated Powers and Law Reform Committee. As always, I ask members to switch off mobile phones. We have received apologies from Richard Baker, and I welcome as his substitute James Kelly.

Agenda item 1 is a decision on taking business in private. It is proposed that the committee takes items 4, 5, 6 and 7 in private. Item 4 will allow the committee to consider its approach to the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2015 (SSI 2015/330). Item 5 is for the committee to consider a draft report on the Land Reform (Scotland) Bill to the Rural Affairs, Climate Change and Environment Committee. Item 6 is for the committee to consider a draft report on the Higher Education Governance (Scotland) Bill to the Education and Culture Committee. Item 7 will enable the committee to consider a paper on the evidence that it has heard to date on the Succession (Scotland) Bill.

Is the committee content to take those items in private?

Members indicated agreement.

Instruments subject to Affirmative Procedure

Renewables Obligation (Scotland) Amendment Order 2015 [Draft]

11:46

The Convener: Article 16 of the order erroneously contains the words "Subject to paragraph (2)". There is no paragraph (2) in article 16, as it was removed from an earlier version of the article, so the inclusion of the phrase "Subject to paragraph (2)" has the potential to raise doubts about whether the savings provision in article 16 is to be made subject to some other provision.

The order also contains a drafting error. The words "the principles" are missing from the start of paragraph 6(2)(b) of new schedule A2.

Does the committee therefore agree to draw the order to the attention of Parliament under reporting ground (h), as the form and meaning of article 16 could be clearer?

Members indicated agreement.

The Convener: Does the committee also agree to draw the order to the attention of Parliament under the general reporting ground in respect of the drafting error?

Members indicated agreement.

The Convener: Does the committee agree to note that the Scottish Government has undertaken to correct the errors at the next available opportunity?

Members indicated agreement.

Instruments not subject to Parliamentary Procedure

Community Empowerment (Scotland) Act 2015 (Commencement No 1) Order 2015 (SSI 2015/344)

11:47

The Convener: No points have been raised by our legal advisers on the order. Is the committee content with it?

Members indicated agreement.

The Convener: That concludes the public part of the meeting.

11:47

Meeting continued in private until 12:57.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body

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