



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 16 December 2015

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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
SUBORDINATE LEGISLATION.....	2
Community Right to Buy (Scotland) Regulations 2015 (SSI 2015/400).....	2
Community Empowerment (Scotland) Act 2015 (Consequential Modifications and Savings) Order 2016 [Draft]	2
Seed Potatoes (Scotland) Regulations 2015 (SSI 2015/395)	5
Seed Potatoes (Fees) (Scotland) Regulations 2015 (SSI 2015/396).....	5
Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2015 (SSI 2015/393)	5
Community Right to Buy (Scotland) Regulations 2015 (SSI 2015/400).....	5

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE
40th Meeting 2015, Session 4

CONVENER

*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

DEPUTY CONVENER

*Graeme Dey (Angus South) (SNP)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)

*Sarah Boyack (Lothian) (Lab)

*Alex Fergusson (Galloway and West Dumfries) (Con)

*Jim Hume (South Scotland) (LD)

*Angus MacDonald (Falkirk East) (SNP)

*Michael Russell (Argyll and Bute) (SNP)

*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Angela Lawson (Scottish Government)

Aileen McLeod (Minister for Environment, Climate Change and Land Reform)

Dave Thomson (Scottish Government)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament

Rural Affairs, Climate Change and Environment Committee

Wednesday 16 December 2015

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Rob Gibson): I welcome everyone to the 40th and final meeting in 2015 of the Rural Affairs, Climate Change and Environment Committee—although I think that we will all meet each other this afternoon in the chamber. I remind people to switch off their mobile phones. Members of the committee may use their tablets to read papers in digital format.

Agenda item 1 is a decision on taking items 5 and 6 in private. Those items involve consideration of correspondence regarding Scotland's Rural College and the committee's future work programme. Do we agree to take the items in private?

Members *indicated agreement.*

Subordinate Legislation

Community Right to Buy (Scotland) Regulations 2015 (SSI 2015/400)

Community Empowerment (Scotland) Act 2015 (Consequential Modifications and Savings) Order 2016 [Draft]

09:31

The Convener: Agenda item 2 is subordinate legislation. The first instruments that we will consider are the Community Right to Buy (Scotland) Regulations 2015 and the draft Community Empowerment (Scotland) Act 2015 (Consequential Modifications and Savings) Order 2016. We are joined by the Minister for Environment, Climate Change and Land Reform, Dr Aileen McLeod, and her officials David Thomson, the head of the community land team, and Angela Lawson, a solicitor. I welcome them all to the meeting. I wonder whether the minister would care to speak to the instrument.

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): Good morning. I am pleased to be here this morning to support the committee's consideration of the draft Community Empowerment (Scotland) Act 2015 (Consequential Modifications and Savings) Order 2016. The order is technical in nature and is necessary as a consequence of amendments to the Land Reform (Scotland) Act 2003 that were made by the Community Empowerment (Scotland) Act 2015.

The two consequential amendments to the 2003 act ensure that references to "community" for the purposes of the approval of, and appeals about, the right to buy land are properly defined in relation to community bodies. Prior to the passing of the 2015 act, the only form that community bodies could take to make a right to buy application was a company limited by guarantee. The types of bodies constituting community bodies have been extended by section 37(4) of the 2015 act to include Scottish charitable incorporated organisations—SCIOs—and community benefit societies, or bencoms.

The amendments to the 2003 act ensure that the new types of bodies that have been included are subject to the same legislative provisions as companies limited by guarantee in the community right to buy regime. They are minor technical changes. Additionally, these consequential modifications are not to apply to approvals or appeals that relate to an application to register an interest in land made prior to 15 April 2016. The savings provision at article 3 of the order achieves

that in line with the general commencement and savings provisions in part 4 of the 2015 act, which modify parts 2 and 4 of the 2003 act and are laid down in the Community Empowerment (Scotland) Act 2015 (Commencement No 3 and Savings) Order 2015.

The Convener: Thank you. Do any members wish to make comments?

Graeme Dey (Angus South) (SNP): I have one question to ask in passing. The Government accepts that there has been a drafting error in the order and that there could be an opportunity to provide clarity. Given that the reporting deadline is 18 January, why was the order not amended before being brought to the committee?

Aileen McLeod: I understand that the drafting error to which the member refers is in the negative instrument rather than in the affirmative instrument.

The Convener: In that case, do any other members have comments to make?

Alex Fergusson (Galloway and West Dumfries) (Con): Further to Graeme Dey's point, it strikes me that, even if we are not talking about errors, how the instrument has been drafted means that at least two other instruments will have to be laid, which strikes me as a rather unsatisfactory way to bring secondary legislation before the Parliament. Could that have been avoided?

Aileen McLeod: I am happy to pass that question over to Angela Lawson.

Angela Lawson (Scottish Government): We note your concerns; we noted the Delegated Powers and Law Reform Committee's concerns, too. We will lay one short amending instrument to take into account a date that was incorrect in the negative instrument—the Community Right to Buy (Scotland) Regulations 2015. We apologise for the typographical error that was made. The amending instrument will be a very simple instrument. Laying it will give us the opportunity to alleviate the Delegated Powers and Law Reform Committee's concerns about a couple of other points. At the end of the day, the legislation on the statute book will be better for it.

Alex Fergusson: Thank you. I absolutely acknowledge that the instrument that will be laid to change the date from 20 April 2015 to 20 April 2016 will be very simple, but am I right in saying that another instrument will be laid to specify that the balloter is the person to whom the document must be provided, or will that be covered in the same instrument?

Angela Lawson: We can do everything in one instrument rather than taking up more committee and parliamentary time by laying more

instruments. It will all be wrapped up in one instrument.

Alex Fergusson: The only reason I raise the issue is that we have all become aware of the number of instruments that we will have to deal with between now and the end of the session, so any means of having fewer instruments would be welcome.

Angela Lawson: We tried to push this package of community empowerment instruments through early. We are working quickly to do so, to try to avoid the glut of instruments that will come in towards election time. You will have a lot of work ahead of you with the Land Reform (Scotland) Bill.

Alex Fergusson: I think we will. Thank you very much.

The Convener: Minister, can I press you to make sure that we get the instruments in the first week of January?

Aileen McLeod: I am happy to do that.

The Convener: It would help us enormously—if it is at all possible.

Aileen McLeod: Absolutely.

The Convener: Do you wish to wind up?

Aileen McLeod: I am happy to leave it there.

The Convener: In that case, we move to item 3, which is to consider motion S4M-15152, which asks the committee to recommend approval of the draft Community Empowerment (Scotland) Act 2015 (Consequential Modifications and Savings) Order 2016. We have also taken evidence on the Community Right to Buy (Scotland) Regulations 2015, but that is a negative instrument, and we will consider it under item 4.

Motion moved,

That the Rural Affairs, Climate Change and Environment Committee recommends that the Community Empowerment (Scotland) Act 2015 (Consequential Modifications and Savings) Order 2016 [draft] be approved.—[Aileen McLeod.]

Motion agreed to.

The Convener: I thank Aileen McLeod and her officials.

**Seed Potatoes (Scotland) Regulations
2015 (SSI 2015/395)**

**Seed Potatoes (Fees) (Scotland)
Regulations 2015 (SSI 2015/396)**

**Animal By-Products (Miscellaneous
Amendments) (Scotland) Regulations 2015
(SSI 2015/393)**

**Community Right to Buy (Scotland)
Regulations 2015 (SSI 2015/400)**

The Convener: Item 4 is for the committee to consider four negative instruments. Last week the committee considered the Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2015 and agreed to seek further information from the Government on the regulations. We have now received the Government's response, to which I refer members. Do members have any comments on it?

Michael Russell (Argyll and Bute) (SNP): I have raised the issue of the animal by-products regulations previously. I have read the letter, but I have to say that it does not fill me with conviction that the position is as described.

As I cannot prove to the contrary, I am not prepared to do any more. However, I would have liked to have seen some more substantive evidence, first, that those of my constituents who operate fish farms in Argyll and Bute have been wasting money by going to landfill and, secondly, that the opportunities to go to alternatives to landfill are so great that no problems will occur therein. Should any such problems occur, I will be the first to bring them to the attention of the Government, but we will see what happens.

The Convener: I am sure that you will raise a stink.

Michael Russell: Indeed.

The Convener: Are there any other comments on any of the SSIs?

Claudia Beamish (South Scotland) (Lab): On the seed potatoes regulations, I just want to highlight how important it is to have clarity on these issues in relation to the very difficult situation for farmers who are in that sector and in relation to export.

The Convener: Do committee members agree that the committee does not wish to make any recommendations in relation to any of the instruments?

Members *indicated agreement.*

The Convener: Thank you. I also thank the minister for attending.

The next meeting of the committee is on 13 January 2016. We will take evidence on the Scottish Government's "Wildlife Crime in Scotland: 2014 Annual Report" and consider a draft of our budget report.

As this is the last meeting of the committee this year, I thank members for their contributions to the committee's achievements over the past 12 months and, on behalf of the committee, I thank everyone in the public gallery, ministers, the Scottish Parliament information centre, the official report and everyone who has helped to make this committee work so well. I wish everyone a merry Christmas and the very best for 2016.

09:42

Meeting continued in private until 11:12.

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.

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