



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 14 June 2016**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



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**Tuesday 14 June 2016**

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**1<sup>st</sup> Meeting 2016, Session 5**

**CONVENER**

\*John Scott (Ayr) (Con)

**DEPUTY CONVENER**

\*Stuart McMillan (Greenock and Inverclyde) (SNP)

**COMMITTEE MEMBERS**

\*Rachael Hamilton (South Scotland) (Con)

Elaine Smith (Central Scotland) (Lab)

\*David Torrance (Kirkcaldy) (SNP)

\*attended

**CLERK TO THE COMMITTEE**

Euan Donald

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Delegated Powers and Law Reform Committee

*Tuesday 14 June 2016*

*[John Scott opened the meeting at 10:00]*

#### Interests

**John Scott (Ayr) (Con):** Good morning. As the oldest member of the committee, it falls to me to chair the first two items on today's agenda. I welcome members to the first meeting in 2016 of the newly established Delegated Powers and Law Reform Committee.

As is normal, I ask everyone to turn off mobile phones. I advise colleagues that apologies have been received from Elaine Smith, who cannot be with us today.

The first agenda item is to allow members to declare any interests that they have that are relevant to the work of the committee—bearing in mind the notes that we received on the issue. I begin by declaring my own interests as a farmer and as a landowner, and I invite others to do the same.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I have no relevant interests to declare.

**David Torrance (Kirkcaldy) (SNP):** I have no relevant interests to declare.

**Rachael Hamilton (South Scotland) (Con):** I have no relevant interests to declare.

## Convener

10:02

**John Scott:** We now move to the next task, which is to choose a convener. The Parliament has agreed that only members of the Conservative Party are eligible for nomination as convener of the committee. I invite members to nominate someone for that task.

**Rachael Hamilton:** I would like to nominate you—John Scott—as convener.

**John Scott:** Thank you. Is the committee agreed that I should be chosen as convener of the committee?

**Members indicated agreement.**

*John Scott was chosen as convener.*

## Deputy Convener

10:02

**The Convener (John Scott):** The next item of business is to choose a deputy convener. The Parliament has agreed that only members of the Scottish National Party are eligible for nomination as deputy convener of the committee. I invite members to nominate someone for that task.

**David Torrance:** I nominate Stuart McMillan as deputy convener.

**The Convener:** Thank you. Is the committee agreed that we will choose Stuart McMillan as deputy convener of the committee?

**Members** *indicated agreement.*

*Stuart McMillan was chosen as deputy convener.*

**The Convener:** I congratulate Stuart on his appointment as deputy convener.

**Stuart McMillan:** Thank you, convener.

## Working Practices

10:03

**The Convener:** We move to agenda item 4, which is for the committee to consider its approach to developing the work programme. I refer members to the paper received from the clerks. Do members have any comments on the paper? They do not.

One thing that we want to do is hold a business planning meeting—known in the Parliament parlance as an away day—towards the end of the summer recess. Euan Donald, the clerk, will probably bring a paper on the subject to the next meeting. If we can agree in principle that we are happy to have such a meeting, we would hope to hold it towards the end of August so that it does not clash with anything that people might be doing in July and the first three quarters of August. Is everyone happy in principle with such an arrangement?

**Members** *indicated agreement.*

**The Convener:** We will get further details at the next meeting.

I also want to ask for the committee's permission to delegate to its legal advisers authority to ask questions of the Scottish Government in relation to Scottish statutory instruments. That is a way of the legal advisers considering the work as soon as it lands on their desks, rather than their having to wait on every occasion for our authority to be given for them to ask such questions. If we can delegate that power to them, they can get started with the work as soon as it hits their desks. Would everyone be happy with that?

**Stuart McMillan:** I certainly think that that is something that we should be doing. As you will be aware, convener, I was a member of this committee for a period of time in the previous session. I know that giving the legal team the flexibility to pose questions, when required, was advantageous to the members of the committee. Therefore it is something that I would wholeheartedly agree with.

**The Convener:** Thank you, Stuart. You are absolutely right. The approach is very helpful, and it is very important that we take it. If members have no other comments, we are agreed that we will delegate that authority to our legal team.

## Instruments subject to Negative Procedure

### Common Agricultural Policy (Direct Payments etc) (Scotland) Amendment (No 2) Regulations 2016 (SSI 2016/178)

10:06

**The Convener:** We move to agenda item 5, which is on instruments subject to negative procedure.

This instrument fails to comply with the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. It was laid before the Parliament on 17 May 2016 and came into force on 18 May 2016, and it therefore does not respect the requirement that at least 28 days should elapse between the laying of an instrument that is subject to the negative procedure and the coming into force of that instrument.

Does the committee agree to draw the instrument to the attention of the Parliament under reporting ground (j), as it has failed to comply with the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010?

*Members indicated agreement.*

**The Convener:** Being mindful of the reasons provided by the Minister for Parliamentary Business in his letter to the Presiding Officer dated 17 May 2016 for proceeding in this manner, does the committee agree to find the failure to comply with section 28 to be acceptable in the circumstances?

*Members indicated agreement.*

### Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations 2016 (SSI 2016/187)

**The Convener:** The instrument amends the list of police stations that are prescribed for the purposes of the notification requirements in the Sexual Offences Act 2003.

Our legal advisers raised an informal query with the Scottish Government regarding the postcodes of five of the police station addresses amended or inserted by the instrument. Those postcodes appeared to be incorrect when compared with details for the police stations held by Royal Mail. The Scottish Government responded to say that the postcodes identified had been checked by Police Scotland again, and it confirmed that they are indeed inaccurate.

Does the committee agree to draw the instrument to the Parliament's attention under the general reporting ground, in respect that, first, there are errors in the police station postcodes substituted by regulations 2(2)(m), (n) and (o); and, secondly, there are errors in the postcodes in the entries for Helensburgh police station and Keith police station, as inserted by regulation 2(2)(p)?

*Members indicated agreement.*

**The Convener:** Does the committee also agree to note that the Scottish Government intends to correct the errors by further amending the Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2014 at the first opportunity?

*Members indicated agreement.*

### Air Weapons Licensing (Scotland) Regulations 2016 (SSI 2016/188)

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

*Members indicated agreement.*

### Food Information (Scotland) Amendment Regulations 2016 (SSI 2016/191)

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

*Members indicated agreement.*

## Instruments not subject to Parliamentary Procedure

### Land Reform (Scotland) Act 2016 (Commencement No 1 and Transitional Provision) Regulations 2016 (SSI 2016/193 (C16))

10:10

**The Convener:** We move to agenda item 6. No points have been raised by our legal advisers on the instrument. Is the committee content with it?

*Members indicated agreement.*

**The Convener:** That brings us to the end of the first meeting of the committee.

*Meeting closed at 10:10.*





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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