



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 28 June 2016

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
2nd 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 28 June 2016

[The Convener opened the meeting at 10:00]

Interests

The Convener (John Scott): I welcome members to the second meeting in session 5 of the Delegated Powers and Law Reform Committee. As ever, I ask members to turn off their mobile phones.

I welcome Elaine Smith to the committee and, under agenda item 1, ask her to declare—in accordance with section 3 of the code of conduct—any relevant interests.

Elaine Smith (Central Scotland) (Lab): Thank you, convener. My interests are as per my entry in the register of members' interests, but I do not have any interests that are specifically relevant to the committee's work.

The Convener: Thanks very much.

**Decision on Taking Business in
Private**

10:01

The Convener: We move to agenda item 2, under which it is proposed that we agree to discuss item 5 in private. Item 5 will give the committee an opportunity to discuss its proposed business planning day.

Do members agree to consider that item in private?

Members indicated agreement.

Instruments subject to Negative Procedure

Foods for Specific Groups (Scotland) Regulations 2016 (SSI 2016/190)

10:01

The Convener: Our first instrument for consideration under agenda item 3 is SSI 2016/190. The regulations omit to make further consequential amendments to the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997 (SI 1997/2182) that are required as a result of the changes to the 1997 regulations that regulation 6 introduces.

Regulation 6 amends the definition of “relevant food” in the 1997 regulations by deleting the reference to food that replaces

“one or more meals of the daily diet”.

The effect of that change is that partial diet-replacement weight-loss products—as opposed to total diet-replacement weight-loss products—will no longer be classed as “relevant food” and will no longer fall within the ambit of the 1997 regulations. Only total diet-replacement products will now fall within the ambit of the 1997 regulations as “relevant food”.

Regulations 2 and 3 of the 1997 regulations make further references to partial diet-replacement products that, following the amendment that regulation 6 makes to the definition of “relevant food”, have no legal meaning or effect. The regulations omit to make the further consequential amendments to the 1997 regulations that are required to remove those further references. That has led to a lack of clarity in the 1997 regulations as amended, in that redundant text has been left on the statute book that should have been removed.

The Scottish Government accepts that the amendment that regulation 6 makes has not led to sufficient clarity in the 1997 regulations and has undertaken to further amend the 1997 regulations at the earliest available opportunity.

Do members have comments?

Elaine Smith: Could the committee welcome the Government’s commitment to amend the regulations and ensure that we track the implementation of that commitment?

The Convener: Yes, that is absolutely fine.

Does the committee agree to draw the regulations to the attention of the Parliament under the general reporting ground in relation to the

omission of consequential amendments to the 1997 regulations?

Members *indicated agreement.*

National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2016 (SSI 2016/195)

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

Education (Scotland) Act 2016 (Commencement No 1) Regulations 2016 (SSI 2016/192 (C15))

10:04

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

Members *indicated agreement.*

Act of Sederunt (Sheriff Appeal Court Rules 2015 and Sheriff Court Rules Amendment) (Miscellaneous) 2016 (SSI 2016/194)

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

Members *indicated agreement.*

Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 (Commencement No 1 and Transitional Provision) Regulations 2016 (SSI 2016/196 (C17))

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

Members *indicated agreement.*

Criminal Justice (Scotland) Act 2016 (Commencement No 2) Order 2016 (SSI 2016/199 (C18))

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

Members *indicated agreement.*

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No 3) (Instruction of Representation in the High Court) 2016 (SSI 2016/201)

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

Members *indicated agreement.*

The Convener: We now move into private session.

10:06

Meeting continued in private until 10:28.

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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