



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 8 November 2016**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba

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**CONTENTS**

	<b>Col.</b>
<b>INSTRUMENTS SUBJECT TO AFFIRMATIVE PROCEDURE .....</b>	<b>1</b>
Crown Estate Scotland (Interim Management) Order 2017 [Draft] .....	1
Aberdeen Harbour Revision Order 2016 [Draft] .....	2
<b>INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE.....</b>	<b>3</b>
Justices of the Peace (Training and Appraisal) (Scotland) Order 2016 (SSI 2016/329).....	3
Upper Tribunal for Scotland (Rules of Procedure) Amendment Regulations 2016 (SSI 2016/333).....	3
Tenant Information Packs (Assured Tenancies) (Scotland) Amendment Order 2016 (SSI 2016/334) .....	3
<b>INSTRUMENTS NOT SUBJECT TO PARLIAMENTARY PROCEDURE.....</b>	<b>4</b>
Water Resources (Scotland) Act 2013 (Commencement No 4) Order 2016 (SSI 2016/327 (C 31)).....	4

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**10<sup>th</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)

\*Monica Lennon (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 8 November 2016*

*[The Convener opened the meeting at 10:01]*

### Instruments subject to Affirmative Procedure

#### Crown Estate Scotland (Interim Management) Order 2017 [Draft]

**The Convener (John Scott):** Good morning, everybody. I welcome members to the Delegated Powers and Law Reform Committee's 10th meeting in session 5.

Item 1 is consideration of instruments that are subject to the affirmative procedure. Our legal advisers sought clarification from the Scottish Government of the policy intention as to the minimum number of members of Crown Estate Scotland (Interim Management), in relation to the drafting of article 5(1) of the draft Crown Estate Scotland (Interim Management) Order 2017. The Scottish Government has clarified that the intention is that the body should be capable of having a minimum of two members—that is, the chair plus one other member—rather than one.

There is a doubt about whether article 5(1) is sufficiently clear in that respect. The provision states:

“(1) Crown Estate Scotland (Interim Management) is to consist of—

(a) a member appointed by the Scottish Ministers to chair it; and

(b) up to 8 other members appointed by the Scottish Ministers.”

The Scottish Government contends that the division into subparagraphs (a) and (b) means that the provision cannot be read as meaning that the Scottish ministers are capable of determining that no other members are appointed apart from the chair. However, article 5(1) could simply have expressed that the ministers must appoint a minimum of—or at least—two members to the body, including the chair.

Does the committee therefore agree to draw the order to the Parliament's attention on reporting ground (h), as the meaning of article 5(1) could be clearer?

**Members indicated agreement.**

## Aberdeen Harbour Revision Order 2016 [Draft]

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

**Members indicated agreement.**

## Instruments subject to Negative Procedure

10:03

**The Convener:** No points have been raised by our legal advisers on the following three negative instruments.

**Justices of the Peace (Training and Appraisal) (Scotland) Order 2016 (SSI 2016/329)**

**Upper Tribunal for Scotland (Rules of Procedure) Amendment Regulations 2016 (SSI 2016/333)**

**Tenant Information Packs (Assured Tenancies) (Scotland) Amendment Order 2016 (SSI 2016/334)**

**The Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

**The Convener:** Good—thank you.

## Instruments not subject to Parliamentary Procedure

**Water Resources (Scotland) Act 2013 (Commencement No 4) Order 2016 (SSI 2016/327 (C 31))**

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.*

**The Convener:** You will be pleased to know that that concludes the committee's business for today.

*Meeting closed at 10:04.*

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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