



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 20 December 2016

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
15th Meeting 2016, Session 5

CONVENER

*John Scott (Ayr) (Con)

DEPUTY CONVENER

Stuart McMillan (Greenock and Inverclyde) (SNP)

COMMITTEE MEMBERS

*Alison Harris (Central Scotland) (Con)

*Monica Lennon (Central Scotland) (Lab)

David Torrance (Kirkcaldy) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

George Adam (Paisley) (SNP) (Committee Substitute)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 20 December 2016

[The Convener opened the meeting at 10:00]

Instruments Subject to Negative Procedure

Caseins and Caseinates (Scotland) (No 2) Regulations 2016 (SSI 2016/422)

The Convener (John Scott): I welcome members to the 15th meeting in session 5 of the Delegated Powers and Law Reform Committee. Apologies have been received from Stuart McMillan and we welcome George Adam, who is attending as a substitute for Stuart.

Agenda item 1 is consideration of instruments that are subject to the negative procedure. SSI 2016/422 implements an undertaking that the Scottish Government provided to the committee that it would urgently revoke the Caseins and Caseinates (Scotland) Regulations 2016 (SSI 2016/383) and lay a corrective instrument. The committee reported a number of errors in SSI 2016/383 that appeared to be points of defective drafting. Perhaps the most important unintended consequence of those regulations was to make it an offence not to enforce the regulations. The errors were due to an issue with version control.

The corrective instrument was laid before the Parliament on 15 December 2016 and its provisions come into force on 21 and 22 December 2016. It 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.

As regards its interest in the Scottish Government's decision to proceed in that manner, the committee could find the failure to comply with section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 to be acceptable in the circumstances. The reasons for it are outlined by the chief executive of Food Standards Scotland in his letter to the Presiding Officer of 14 December 2016.

Does the committee agree to draw the regulations to the Parliament's attention under reporting ground (j), as they fail to comply with the requirements of section 28(2) of the 2010 act?

Members indicated agreement.

The Convener: Does the committee agree to find the reasons for failing to comply with those requirements to be acceptable in the circumstances?

Members indicated agreement.

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

Valuation for Rating (Decapitalisation Rate) (Scotland) Regulations 2016 (SSI 2016/402)

Road Traffic (Permitted Parking Area and Special Parking Area) (East Lothian Council) Designation Order 2016 (SSI 2016/407)

Parking Attendants (Wearing of Uniforms) (East Lothian Council Parking Area) Regulations 2016 (SSI 2016/408)

Road Traffic (Parking Adjudicators) (East Lothian Council) Regulations 2016 (SSI 2016/409)

Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016 (SSI 2016/411)

Regulation of Care (Prescribed Registers) (Scotland) Amendment Order 2016 (SSI 2016/413)

The Convener: Is the committee content with the instruments?

Members indicated agreement.

Instruments Not Subject to Parliamentary Procedure

10:04

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

Act of Sederunt (Sheriff Court Rules Amendment) (Electronic Authentication) 2016 (SSI 2016/415)

Burial and Cremation (Scotland) Act 2016 (Commencement No 1, Transitory and Transitional Provisions) Regulations 2016 (SSI 2016/417 (C 43))

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

The Convener: This has been our last meeting of the year. We will return for a meeting on 10 January 2017. In the meantime, I wish you all a merry Christmas and a happy new year. Thank you for all your help this year.

Meeting closed at 10:05.

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, the Scottish Parliament, Edinburgh, EH99 1SP

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