



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 21 February 2017

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
6th Meeting 2017, 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

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 21 February 2017

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (John Scott): Good morning, everyone. I welcome members to the Delegated Powers and Law Reform Committee's sixth meeting in 2017.

Under agenda item 1, it is proposed that the committee considers whether to take items 5 to 7 in private. Item 5 is consideration of the delegated powers provisions in the Air Departure Tax (Scotland) Bill, item 6 is consideration of our stage 1 report to the Justice Committee on the Railway Policing (Scotland) Bill and item 7 is consideration of our approach to scrutiny of the Contract (Third Party Rights) (Scotland) Bill. Does the committee agree to take those items in private?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

10:01

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

Budget (Scotland) Act 2016 Amendment Regulations 2017 [Draft]

Scottish Tribunals (Listed Tribunals) Regulations 2017 [Draft]

First-tier Tribunal for Scotland Tax Chamber and Upper Tribunal for Scotland (Composition) Regulations 2017 [Draft]

Tribunals (Scotland) Act 2014 (Ancillary Provisions) Regulations 2017 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

National Health Service Superannuation Scheme (Miscellaneous Amendments) (Scotland) Regulations 2017 (SSI 2017/27)

10:01

The Convener: The main purpose of the instrument is to make changes to the pay and earnings bands that are set out in the relevant tables in existing regulations, against which employee contributions for the national health service superannuation scheme will be set for the year 2017-18.

The Scottish Government has acknowledged that an error has been made in regulation 1(2), which provides that various provisions in these regulations will have effect retrospectively from various dates. There has been an oversight, in that the Scottish Government intends that regulations 31 and 40 should not come into force on 13 March 2017, as is provided for, but should have effect retrospectively from 6 April 2016. As a result, regulations 31 and 40 will be commenced with effect from a date that is not the one intended. Accordingly, does the committee agree to draw the regulations to the attention of Parliament under reporting ground (i), as regulation 1(2) appears to be defectively drafted?

Members *indicated agreement.*

The Convener: The Scottish Government has undertaken to make the necessary amendment to provide for the regulations to be commenced with retrospective effect in the way intended when the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013 (SSI 2013/174) are next amended. Does the committee agree to welcome that undertaking?

Members *indicated agreement.*

National Health Service Pension Scheme (Scotland) (Miscellaneous Amendments) Regulations 2017 (SSI 2017/28)

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

Community Justice (Scotland) Act 2016 (Commencement No 2, Transitional and Saving Provisions) Regulations 2017 (SSI 2017/33 (C 4))

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: Many thanks.

10:04

Meeting continued in private until 10:40.

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