



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 16 January 2018

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 16 January 2018

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DELEGATED POWERS AND LAW REFORM COMMITTEE

1st Meeting 2018, Session 5

CONVENER

*Graham Simpson (Central Scotland) (Con)

DEPUTY CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

COMMITTEE MEMBERS

*Neil Findlay (Lothian) (Lab)

*Alison Harris (Central Scotland) (Con)

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 16 January 2018

[The Convener opened the meeting at 10:00]

Interests

The Convener (Graham Simpson): I welcome members to the first meeting in 2018 of the Delegated Powers and Law Reform Committee.

Neil Findlay has joined the committee and I welcome him to his first meeting.

David Torrance cannot be with us today and has submitted his apologies.

Item 1 is a declaration of interests. In accordance with section 3 of the "Code of Conduct for Members of the Scottish Parliament", I invite Neil Findlay to declare any interests that are relevant to the remit of the committee.

Neil Findlay (Lothian) (Lab): I have a general declaration that I am a member of the Educational Institute of Scotland and Unite the union, and my wife works for the national health service.

Decision on Taking Business in Private

The Convener: Item 2 is a decision on taking business in private. It is proposed that the committee takes items 6, 7 and 8 in private. Those items are the committee's work programme; consideration of matters arising from the recent evidence session with the Minister for Parliamentary Business on the work of the committee during 2016-17; and consideration of the committee's second quarterly report.

Does the committee agree to take those items in private?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018 [Draft]

10:01

The Convener: Item 3 is consideration of instruments subject to affirmative procedure.

Our legal advisers have not raised any points on the draft remedial order.

Members will recall that the committee took evidence on the proposed draft remedial order in October last year and submitted a response in November to the Government's consultation on the proposed draft order. In our response, we highlighted areas that we recommended the Government should explore further as part of its wider review of the higher-level disclosure system. The statement that accompanies the instrument sets out the Government's response to our submission and confirms that ministers do not intend to make any changes to the proposed draft remedial order that was consulted on, other than to change some minor points noted by the committee.

Does the committee wish to welcome the consideration already given by the Government to the committee's submission, as discussed in the statement provided with the draft order, and to encourage the Government to explore further the various matters raised in that submission in its ongoing wider review of the higher-level disclosure regime?

Members indicated agreement.

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2018 [Draft]

Registers of Scotland (Digital Registration, etc) Regulations 2018 [Draft]

Community Empowerment (Scotland) Act 2015 (Supplementary and Consequential Provisions) Order 2018 [Draft]

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

Members indicated agreement.

Instruments subject to Negative Procedure

National Health Service Superannuation Scheme (Scotland) (Miscellaneous Amendments) (No 2) Regulations 2017 (SSI 2017/434)

10:03

The Convener: Item 4 is consideration of instruments subject to negative procedure.

Regulation 7 provides that the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013, SSI 2013/174, are amended in accordance with regulations 8 to 18. However, of those regulations, only regulations 9, 13, 16 and 18 have effect from 1 April 2015, in accordance with the remainder of regulation 1(2)(a). The Scottish Government proposes to correct regulation 1(2)(a) in the next set of regulations that amend SSI 2013/174.

Does the committee agree to draw the regulations to the attention of Parliament on reporting ground (i), as the drafting of regulation 1(2)(a) appears to be defective, in providing that regulation 7 has effect from 1 April 2015 and it is not intended that regulation 7 should have that retrospective effect?

Members indicated agreement.

The Convener: Does the committee agree to recommend that the error is corrected by amendment as soon as possible, given that the error concerns the date when provisions of the instrument have effect?

Members indicated agreement.

Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2017 (SSI 2017/451)

The Convener: The regulations were laid before Parliament on 15 December and came into force on 18 December 2017. That does not respect the requirement that at least 28 days should elapse between the laying of an instrument that is subject to negative procedure and the coming into force of that instrument. Accordingly, does the committee agree to draw the regulations to the attention of Parliament on reporting ground (j) as they fail to comply with the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010?

Members indicated agreement.

The Convener: Does the committee also agree to find the failure to comply with section 28 to be

acceptable in the circumstances as outlined in the correspondence from the Government contained within our papers?

Members *indicated agreement.*

National Health Service Pension Scheme (Scotland) (Miscellaneous Amendments) (No 2) Regulations 2017 (SSI 2017/433)

The Convener: No points have been raised by our legal advisers in relation to this instrument. However, the committee might wish to note that the Government has submitted a revised version of the statutory report required under section 22(2)(b) of the Public Service Pensions Act 2013. That is to correct an error in the original report, to make it clear that the revised employee contribution tables inserted into regulations 30 and 31 of the National Health Service Pension Scheme (Scotland) Regulations 2015 by regulations 3 and 4 of the instrument come into force on 31 January 2018 and are applied to the 2018-19 scheme year.

Does the committee note the laying of the revised statutory report?

Members *indicated agreement.*

Firefighters' Pension Scheme (Amendment and Transitional Provision) (Scotland) Regulations 2017 (SSI 2017/435)

Universal Credit (Claims and Payments) (Scotland) Amendment Regulations 2017 (SSI 2017/436)

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Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 (Relevant Third Party) Order 2017 (SSI 2017/461)

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

Members *indicated agreement.*

Instruments not subject to Parliamentary Procedure

Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No 14 and Saving Provision) Order 2017 (SSI 2017/445 (C33))

Criminal Finances Act 2017 (Commencement) (Scotland) Regulations 2017 (SSI 2017/456 (C34))

Community Empowerment (Scotland) Act 2015 (Commencement No 10, Saving, Transitional and Transitory Provisions) Order 2017 (SSI 2017/458 (C35))

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

Members *indicated agreement.*

10:08

Meeting continued in private until 10:39.

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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