



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 30 January 2018

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 30 January 2018

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DELEGATED POWERS AND LAW REFORM COMMITTEE

3rd 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 30 January 2018

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

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

Under agenda item 1, it is proposed that the committee take agenda item 5, which is consideration of the Planning (Scotland) Bill, in private. Does the committee agree to do so?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

10:00

The Convener: Under agenda item 2, no points have been raised on the following two affirmative instruments.

Representation of the People (Scotland) Amendment Regulations 2018 [Draft]

Continuing Care (Scotland) Amendment Order 2018 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instrument subject to Negative Procedure

Animal Feed (Basic Safety Standards) (Scotland) Regulations 2018 (SSI 2018/15)

10:00

The Convener: Agenda item 3 is consideration of a negative instrument that provides for an offence whereby a person deliberately adds a radioactive substance during the production of animal feed. It will also be an offence if a person imports or exports any feed to which a radioactive substance has been intentionally added during production.

The regulations were laid before the Parliament on 16 January and come into force on 6 February. In that regard, they do 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.

The committee may wish to 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 not complying with it are outlined in the letter from the Scottish Government's legal services directorate to the Presiding Officer dated 16 January, which is supplemented by the written response to the committee on the regulations.

Does the committee agree to draw the regulations to the attention of the Parliament on 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 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 that is contained in our papers?

Members indicated agreement.

Instrument not subject to Parliamentary Procedure

Education (Listed Bodies) (Scotland) Order 2018 (SSI 2018/7)

10:02

The Convener: Under agenda item 4, the committee has one instrument to consider that is not subject to any parliamentary procedure. The Scottish Government is required to make orders that list all United Kingdom bodies that are authorised to offer degree-level programmes for validation by a recognised body, as are the UK Government and the other devolved Administrations.

The Scottish Government has acknowledged that two of the bodies that are listed are not correctly described. "Mary Hare Grammer School"—note the incorrect spelling—and "St Philips's Centre" should be described as limited companies: "Mary Hare" and "St Philip's Centre Ltd".

The Scottish Government has undertaken to amend the errors in the next amending instrument or, in other words, the next order that updates the list of bodies. The most recent amendment was made in 2009.

Does the committee agree to draw the order to the attention of the Parliament on the general reporting ground, as two of the bodies that are listed in part 1 of the schedule to the order are incorrectly described?

Members indicated agreement.

The Convener: Does the committee also agree to recommend to the Scottish Government that the descriptions of the two bodies should be amended promptly, given that part 1 of the schedule to the order confirms those bodies that are authorised to provide courses in preparation for a degree?

Members indicated agreement.

10:04

Meeting continued in private until 10:43.

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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