



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 13 March 2018**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



---

**Tuesday 13 March 2018**

**CONTENTS**

	<b>Col.</b>
<b>DECISION ON TAKING BUSINESS IN PRIVATE .....</b>	<b>1</b>
<b>INSTRUMENT SUBJECT TO AFFIRMATIVE PROCEDURE .....</b>	<b>2</b>
Alcohol (Minimum Price per Unit) (Scotland) Order 2018 [Draft] .....	2
<b>INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE.....</b>	<b>3</b>
Sheriff Court Fees Order 2018 (SSI 2018/81).....	3
Sheriff Appeal Court Fees Order 2018 (SSI 2018/82).....	3
Court of Session etc Fees Order 2018 (SSI 2018/83).....	3
High Court of Justiciary Fees Order 2018 (SSI 2018/84).....	3
Justice of the Peace Court Fees (Scotland) Order 2018 (SSI 2018/85) .....	3
Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2018 (SSI 2018/86) .....	3
<b>INSTRUMENT NOT SUBJECT TO PARLIAMENTARY PROCEDURE .....</b>	<b>4</b>
Alcohol (Minimum Pricing) (Scotland) Act 2012 (Commencement No 2) Order 2018 (SSI 2018/88 (C8))..	4

---

**DELEGATED POWERS AND LAW REFORM COMMITTEE**  
**8<sup>th</sup> 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 13 March 2018*

*[The Convener opened the meeting at 10:00]*

### Decision on Taking Business in Private

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

Under agenda item 1, it is proposed that we take agenda items 5 to 9 in private. Item 5 is an update on the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill; item 6 is consideration of a paper on the delegated powers provisions in the Scottish Crown Estate Bill; item 7 is consideration of a draft report on the Planning (Scotland) Bill; item 8 is consideration of a paper on the legislative consent memorandum in relation to the United Kingdom Trade Bill; and item 9 is consideration of the committee's response to the Equalities and Human Rights Committee's inquiry into human rights and the Scottish Parliament.

Does the committee agree to take those items in private?

**Members** *indicated agreement.*

## Instrument subject to Affirmative Procedure

### Alcohol (Minimum Price per Unit) (Scotland) Order 2018 [Draft]

10:01

**The Convener:** We have one instrument to consider under agenda item 2, on which no points have been raised by our legal advisers. Is the committee content with it?

**Members** *indicated agreement.*

## Instruments subject to Negative Procedure

### Sheriff Court Fees Order 2018 (SSI 2018/81)

10:01

**The Convener:** The first instrument for consideration under agenda item 3 is Scottish statutory instrument 2018/81, which is part of a package of six instruments on our agenda that relate to fees across the courts and the office of the public guardian. Our legal advisers have indicated that there is an error in the order, which the Government has indicated that it will correct when an appropriate legislative opportunity arises.

Does the committee wish to draw the order to the attention of the Parliament on the general reporting ground, as article 5(2) has been erroneously carried forward from the Sheriff Court Fees Order 2015 (SSI 2015/264) despite its having no function in the 2018 order?

**Members** *indicated agreement.*

**The Convener:** Secondly, does the committee wish to welcome the Scottish Government's undertaking to revoke article 5(2) if an amending opportunity should arise?

**Members** *indicated agreement.*

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

### Sheriff Appeal Court Fees Order 2018 (SSI 2018/82)

### Court of Session etc Fees Order 2018 (SSI 2018/83)

### High Court of Justiciary Fees Order 2018 (SSI 2018/84)

### Justice of the Peace Court Fees (Scotland) Order 2018 (SSI 2018/85)

### Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2018 (SSI 2018/86)

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

**Members** *indicated agreement.*

## Instrument not subject to Parliamentary Procedure

### Alcohol (Minimum Pricing) (Scotland) Act 2012 (Commencement No 2) Order 2018 (SSI 2018/88 (C8))

10:02

**The Convener:** We have one instrument to consider under agenda item 4, on which no points have been raised by our legal advisers. Is the committee content with it?

**Members** *indicated agreement.*

10:02

*Meeting continued in private until 10:53.*

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

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba