



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 15 May 2018**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



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**Tuesday 15 May 2018**

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**  
**17<sup>th</sup> Meeting 2018, Session 5**

**CONVENER**

\*Graham Simpson (Central Scotland) (Con)

**DEPUTY CONVENER**

\*Stuart McMillan (Greenock and Inverclyde) (SNP)

**COMMITTEE MEMBERS**

\*Tom Arthur (Renfrewshire South) (SNP)

\*Neil Findlay (Lothian) (Lab)

\*Alison Harris (Central Scotland) (Con)

\*attended

**CLERK TO THE COMMITTEE**

Andrew Proudfoot

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Delegated Powers and Law Reform Committee

*Tuesday 15 May 2018*

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

### Decision on Taking Business in Private

**The Convener (Graham Simpson):** I welcome members to the 17th meeting in 2018 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that we take items 4, 5 and 6 in private. Item 4 is consideration of our approach to the delegated powers provisions in the Age of Criminal Responsibility (Scotland) Bill; item 5 is further consideration of the delegated powers provisions in the Management of Offenders (Scotland) Bill; and item 6 is consideration of the delegated powers provisions in the Islands (Scotland) Bill after stage 2. Does the committee agree to take those items in private?

**Members** *indicated agreement.*

## Instrument subject to Affirmative Procedure

### Scottish Fiscal Commission (Modification of Functions) Regulations 2018 [Draft]

10:00

**The Convener:** Under agenda item 2, we have one affirmative instrument to consider, on which no points have been raised. Is the committee content with the instrument?

**Members** *indicated agreement.*

## Instruments subject to Negative Procedure

### Local Government Pension Scheme (Scotland) Regulations 2018 (SSI 2018/141)

10:01

**The Convener:** The committee is invited to draw the first instrument under agenda item 3 to the attention of the Parliament on a number of reporting grounds.

On the general reporting ground, there are five errors to point out. In regulation 1, there is an inconsistency in so far as regulation 30(2) is stated to apply retrospectively from 1 April 2015, whereas similar provision in regulation 16(6) is not. Regulation 3(7)(d) cross-refers to

“regulation 89 (forfeiture of pension rights after conviction for employment-related offences)”

when the cross-reference should be to regulation 86. In regulation 22(10)(b), the reference to regulation 2(3) of the Transfer of Undertakings (Protection of Employment) Regulations 2006 should be to regulation 3 of those regulations. Regulation 43(11) provides that additional pension that is purchased under regulation 16 is not excluded for the purposes of paragraph (4)(c) if certain circumstances apply. However, reference should also be made to paragraphs (5)(c), (9)(c) and (10)(c). Regulation 45(4)(e) should refer to regulation 17(6)(b)(i) rather than to regulation 17(7)(b)(i).

The committee is invited to draw the regulations to the attention of the Parliament on reporting ground (h), on the basis that it could be clearer what the expression “SDS Scheme” means in regulation 20(2)(l).

Does the committee wish to comment that although, taken individually, the majority of the errors are capable of rectification by correction slip, taken together, it is disappointing that the Scottish Government intends to rectify them by correction slip?

**Neil Findlay (Lothian) (Lab):** I am sorry, convener—I did not quite catch that. Could you repeat what you said? I am joking, of course.

**The Convener:** You can look back on it.

**Members indicated agreement.**

**The Convener:** Does the committee wish to call on the Scottish Government to rectify the error in regulation 43(11) by amending instrument rather than by correction slip, on the basis that the error is not patent in nature?

**Members indicated agreement.**

### Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2018 (SSI 2018/142)

**The Convener:** No points have been raised on the instrument. Is the committee content with it?

**Members indicated agreement.**

10:03

*Meeting continued in private until 10:22.*

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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