



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 15 January 2019

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
2nd Meeting 2019, Session 5

CONVENER

*Graham Simpson (Central Scotland) (Con)

DEPUTY CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

COMMITTEE MEMBERS

*Tom Arthur (Renfrewshire South) (SNP)

*Mary Fee (West Scotland) (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 January 2019

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Graham Simpson): I welcome everyone to the second meeting in 2019 of the Delegated Powers and Law Reform Committee. We have received apologies from Alison Harris.

Under agenda item 1, it is proposed that the committee takes in private item 5, which is consideration of the delegated powers in the South of Scotland Enterprise Bill, and item 6, which is our draft report on the legislative consent memorandum in relation to the United Kingdom Fisheries Bill. Is the committee content that we do so?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019 [Draft]

10:00

The Convener: The general purpose of the regulations is to make amendments to the repairing standard, which is the statutory minimum standard for houses that are let under private tenancies, to improve the condition of those houses.

Regulation 3(2) modifies the list of criteria for a house to meet the repairing standard, which is contained in paragraphs (a) to (g) of section 13(1) of the Housing (Scotland) Act 2006. As section 13(1)(f) includes the word “and” at the end of that paragraph, the list of criteria is clearly cumulative. Regulation 3(2)(d) does not include an “and” after the new penultimate paragraph that is inserted by the regulation. Such an inclusion could make it clearer that the required criteria are cumulative rather than alternative.

Does the committee wish to draw the regulations to the attention of the Parliament on reporting ground (h), as the meaning of regulation 3(2)(d) could be clearer?

Members *indicated agreement.*

The Convener: Does the committee wish to recommend that the Scottish Government withdraws and relays the draft regulations, to correct regulation 3(2)(d), as there appears to be time to do so?

Members *indicated agreement.*

The Convener: We have two other affirmative instruments to consider, on which no points have been raised.

Housing (Scotland) Act 2006 (Supplemental Provision) Order 2019 [Draft]

Cremation (Scotland) Regulations 2019 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:02

The Convener: Under agenda item 3, no points have been raised on the following two negative instruments.

First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Amendment Regulations 2018 (SSI 2018/378)

Burial and Cremation (Pregnancy Loss Prescribed Information and Forms) (Scotland) Regulations 2018 (SSI 2018/384)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments not subject to Parliamentary Procedure

10:02

The Convener: Under agenda item 4, no points have been raised on the following four instruments.

Burial and Cremation (Scotland) Act 2016 (Commencement No 3, Transitional, Saving and Transitory Provisions) Regulations 2018 (SSI 2018/380 (C 24))

Domestic Abuse (Scotland) Act 2018 (Commencement and Transitional Provision) Regulations 2018 (SSI 2018/387 (C 25))

Spring Traps Approval (Scotland) Amendment Order 2018 (SSI 2018/389)

Social Security (Scotland) Act 2018 (Commencement No 4 and Saving Provision) Regulations 2018 (SSI 2018/393 (C 26))

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

10:03

Meeting continued in private until 10:21.

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