



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 19 February 2019**

**Session 5**



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Pàrlamaid na h-Alba

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**6<sup>th</sup> 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 19 February 2019*

*[The Convener opened the meeting at 09:45]*

### Decision on Taking Business in Private

**The Convener (Graham Simpson):** I welcome everyone to the sixth meeting in 2019 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that the committee takes item 7, which is on the supplementary delegated powers memorandum for the Planning (Scotland) Bill, in private. Does the committee agree to do so?

**Members** *indicated agreement.*

## European Union (Withdrawal) Act 2018

### Public Procurement etc (Scotland) (Amendment) (EU Exit) Amendment Regulations 2019 [Draft]

09:45

**The Convener:** Agenda item 2 is consideration of Scottish statutory instruments that have been laid under the European Union (Withdrawal) Act 2018. We are considering the instruments under the SSI protocol, so we are looking at the scrutiny procedure under which they have been laid and the categorisation that the Scottish Government has applied to them.

There is a history to the draft Public Procurement etc (Scotland) (Amendment) (EU Exit) Amendment Regulations 2019—that is a bit of a mouthful—which amend regulations that we previously considered at our meetings on 29 January and 5 February.

The Scottish Government has laid the regulations under the affirmative procedure and has categorised them as being of high significance. Our advisers indicate that the scrutiny procedure and categorisation could be appropriate. Do members have any comments?

**Members:** No.

**The Convener:** Are members content that the appropriate scrutiny procedure has been applied?

**Members** *indicated agreement.*

**The Convener:** Are members also content that the regulations have been appropriately categorised as being of high significance?

**Members** *indicated agreement.*

**The Convener:** The following four instruments have been laid under the negative procedure and have been categorised by the Scottish Government as being of low significance.

### Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/24)

### Fertilisers and Pesticides (EU Exit) (Scotland) (Miscellaneous Amendments etc) Regulations 2019 (SSI 2019/25)

**Environment (EU Exit) (Scotland)  
(Amendment etc) Regulations 2019 (SSI  
2019/26)**

**Animal Welfare (EU Exit) (Scotland)  
(Amendment) Regulations 2019 (SSI  
2019/34)**

**The Convener:** In each case, our advisers indicate that the scrutiny procedure and categorisation could be appropriate.

Are members content that the appropriate scrutiny procedure has been applied to the instruments?

**Members indicated agreement.**

**The Convener:** Similarly, are members content that the instruments have been appropriately categorised as being of low significance?

**Members indicated agreement.**

**Fishery Products (Official Controls  
Charges) (EU Exit) (Scotland)  
(Amendment) Regulations 2019 [Draft]**

09:47

**The Convener:** Agenda item 3 is consideration of another instrument that has been laid under the European Union (Withdrawal) Act 2018. We are not required to consider the choice of procedure, because the 2018 act requires the instrument to be laid under the affirmative procedure.

The instrument has been categorised by the Scottish Government as being of low significance, and our advisers have raised no issues with that categorisation on the grounds that the instrument makes only minor and technical changes that ensure continuity of law without any policy change.

Do members have any comments?

**Members:** No.

**The Convener:** Is the committee content that the instrument has been appropriately categorised as being of low significance?

**Members indicated agreement.**

**Instruments subject to  
Affirmative Procedure**

**Fishery Products (Official Controls  
Charges) (EU Exit) (Scotland)  
(Amendment) Regulations 2019 [Draft]**

09:48

**The Convener:** The first instrument for consideration under agenda item 4 is the instrument that we considered under item 3. We are now considering the technical aspects of the instrument to ensure that it is fit for purpose. Is the committee content with the instrument?

**Members indicated agreement.**

**The Convener:** No points have been raised by our legal advisers on the following four draft affirmative instruments, which cover a variety of topics.

**Jurisdiction and Judgments (Family, Civil  
Partnership and Marriage (Same Sex  
Couples)) (EU Exit) (Scotland)  
(Amendment etc) Regulations 2019 [Draft]**

**Carer's Allowance Up-rating (Scotland)  
Order 2019 [Draft]**

**Local Government Finance (Scotland)  
Order 2019 [Draft]**

**Freedom of Information (Scotland) Act  
2002 (Designation of Persons as Scottish  
Public Authorities) Order 2019 [Draft]**

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

**Members indicated agreement.**

## Instruments subject to Negative Procedure

09:49

**The Convener:** Under agenda item 5, no points have been raised by our legal advisers on the following instruments.

### **Carer's Allowance Up-rating (Scotland) Regulations 2019 (SSI 2019/21)**

### **Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2019 (SSI 2019/23)**

### **Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/24)**

### **Fertilisers and Pesticides (EU Exit) (Scotland) (Miscellaneous Amendments etc) Regulations 2019 (SSI 2019/25)**

### **Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment Regulations 2019 (SSI 2019/27)**

### **Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2019 (SSI 2019/28)**

### **Council Tax Reduction (Scotland) Amendment Regulations 2019 (SSI 2019/29)**

### **Food Standards and Hygiene (Miscellaneous Amendments) (Scotland) Regulations 2019 (SSI 2019/33)**

### **Animal Welfare (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/34)**

### **Non-Domestic Rate (Scotland) Order 2019 (SSI 2019/35)**

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

**Members** *indicated agreement.*

**The Convener:** In relation to SSI 2019/29, members will note that we have received a letter from the Minister for Public Finance and Digital Economy regarding our concerns about the need to consolidate the regulations. The minister says that they have not been consolidated because

further amendments are likely in response to further changes to universal credit. However, versions of the principal regulations have been attached to the policy note for the instrument, which show the source and effect of the changes that have been made to the original text.

Do members have any comments?

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I would like to make a brief point. The letter that we have received from the minister is very helpful, and it indicates the work that our committee has undertaken in this area. I very much welcome the progress that has been made.

**The Convener:** I agree. The letter is useful. A step forward has been made.

Does the committee wish to welcome the fact that the Scottish Government has provided versions of the principal regulations that detail the changes that have been made?

**Members** *indicated agreement.*

## **Instrument not subject to Parliamentary Procedure**

09:51

*Meeting continued in private until 10:45.*

### **Act of Sederunt (Computer Evidence in the Sheriff Court) (Revocation) 2019 (SSI 2019/22)**

09:51

**The Convener:** Agenda item 6 is consideration of an instrument that is not subject to parliamentary procedure, on which no points have been raised by our legal advisers. Is the committee content with the instrument?

**Members** *indicated agreement.*

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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