



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 26 March 2019

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

11th 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 26 March 2019

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Graham Simpson): I welcome everyone to the 11th meeting in 2019 of the Delegated Powers and Law Reform Committee. We have received apologies from Mary Fee.

Under agenda item 1, it is proposed that the committee takes items 6, 7, 8 and 9, which are on the delegated powers provisions in various bills and our quarterly report on instruments, in private. Does the committee agree to do so?

Members *indicated agreement.*

European Union (Withdrawal) Act 2018: Instrument Procedure and Category

Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/80)

10:01

The Convener: Under agenda item 2, we are considering an instrument that has been laid under the European Union (Withdrawal) Act 2018. We are looking at the scrutiny procedure and the categorisation that the Scottish Government has applied.

The instrument addresses deficiencies to ensure that European Union-derived town and country planning legislation relating to environmental impact assessments and hazardous substances continues to be operable and enforceable after the United Kingdom leaves the EU. It has been laid under the negative procedure and has been categorised as being of low significance.

Our advisers indicate that the scrutiny procedure and categorisation could be appropriate. Is the committee content that the appropriate scrutiny procedure and categorisation have been applied?

Members *indicated agreement.*

Instrument subject to Affirmative Procedure

Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc Amendment Order 2019 [Draft]

10:02

The Convener: Agenda item 3 is consideration of an affirmative instrument, on which no points have been raised. Is the committee content with the instrument?

Members *indicated agreement.*

Instruments subject to Negative Procedure

Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/80)

10:02

The Convener: The first instrument for consideration under agenda item 4 is SSI 2019/80, which we also considered under item 2. We are now undertaking technical scrutiny of the instrument.

The instrument contains minor drafting issues relating to clarity of meaning in specific regulations. The Government has acknowledged those issues. Full details can be found in the correspondence with the Government that is included in our published papers.

Does the committee wish to draw the instrument to the attention of the Parliament under reporting ground (h) as the form of regulations 5(10)(c), 5(14)(a)(i) and 6(11)(a)(i) could be clearer?

Members *indicated agreement.*

The Convener: As the drafting issues are minor and corrective action is not urgent, is the committee content with the Government's assurance that it intends to bring forward an amending instrument?

Members *indicated agreement.*

Teachers' Superannuation and Pension Scheme (Scotland) (Miscellaneous Amendments) Amendment Regulations 2019 (SSI 2019/95)

The Convener: SSI 2019/95 makes provision to ensure that the current employer contribution rate of 17.2 per cent will continue to apply until 31 August 2019, with a revised rate of 23 per cent applying from 1 September.

The instrument was laid before the Parliament on 18 March and comes into force on 1 April. That does not respect the requirement that at least 28 days should elapse between the laying of an instrument that is subject to the negative procedure and the coming into force of that instrument. Standing orders require the committee to draw to the Parliament's attention any failure to respect the 28-day laying requirement.

The Scottish Government's reasons for not complying are set out in correspondence with the Presiding Officer, which is available in our published papers.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), as it fails to comply with the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010?

Members *indicated agreement.*

The Convener: Is the committee content that the failure to comply with section 28 of the 2010 act is acceptable in the circumstances?

Members *indicated agreement.*

Scottish Road Works Register (Prescribed Fees) Regulations 2019 (SSI 2019/96)

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

Members *indicated agreement.*

Instruments not subject to Parliamentary Procedure

10:05

The Convener: Agenda item 5 is consideration of three instruments that are not subject to parliamentary procedure, on which no points have been raised by our advisers.

Chief Forester (Qualifications) (Scotland) Regulations 2019 (SSI 2019/92)

Social Security (Ireland) (Further provision in respect of Scotland) Order 2019 (SSI 2019/93)

Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Sanctions and Anti-Money Laundering) (No 2) 2019 (SSI 2019/97)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

10:05

Meeting continued in private until 10:24.

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

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