



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 30 April 2019

Session 5



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Pàrlamaid na h-Alba

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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
EUROPEAN UNION (WITHDRAWAL) ACT 2018: INSTRUMENT PROCEDURE AND CATEGORY	1
Disabled Persons (Badges for Motor Vehicles) (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/128)	1
Public Health and Tobacco (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/142)	2
INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE.....	3
Disabled Persons (Badges for Motor Vehicles) (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/128)	3
Public Health and Tobacco (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/142)	3
INSTRUMENTS NOT SUBJECT TO PARLIAMENTARY PROCEDURE.....	4
Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Labour Market Enforcement Orders) 2019 (SSI 2019/139)	4
Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc Rules Amendment) (Labour Market Enforcement Orders) 2019 (SSI 2019/140)	4

DELEGATED POWERS AND LAW REFORM COMMITTEE

14th 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

THE FOLLOWING ALSO PARTICIPATED:

Bill Bowman (North East Scotland) (Con) (Committee Substitute)

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 30 April 2019

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Graham Simpson): I welcome everyone to the 14th meeting in 2019 of the Delegated Powers and Law Reform Committee. We have received apologies from Alison Harris and Mary Fee.

Under agenda item 1, it is proposed that the committee takes items 5 and 6, which are on the delegated powers provisions in bills, and item 7, which is on our work programme, in private. Does the committee agree to do so?

Members *indicated agreement.*

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

Disabled Persons (Badges for Motor Vehicles) (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/128)

10:00

The Convener: Agenda item 2 is consideration of two instruments that have been laid under the European Union (Withdrawal) Act 2018. We are considering the scrutiny procedure under which they have been laid and the categorisation that the Scottish Government has applied.

SSI 2019/128 has been laid under the negative procedure and has been categorised as being of low significance. It corrects deficiencies in relation to the United Kingdom's planned withdrawal from the European Union by updating references to the UK being a member state and amending the form of blue badge that is issued to disabled people for display in motor vehicles in Scotland.

The instrument has not been subject to the sifting process under the Scottish statutory instrument protocol on the ground of urgency, as is set out in the policy note that accompanies the instrument, but our advisers indicate that the

scrutiny procedure and categorisation could be appropriate.

Do members have any comments?

Members: No.

The Convener: Is the committee content that the appropriate scrutiny procedure and categorisation have been applied to the instrument?

Members *indicated agreement.*

Public Health and Tobacco (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/142)

The Convener: SSI 2019/142 has been laid under the negative procedure and has been categorised as being of medium significance. It amends various pieces of legislation relating to sunbeds and the sale of tobacco products, cigarette papers and nicotine vapour products to correct deficiencies in relation to the UK's planned withdrawal from the EU.

Our advisers indicate that the scrutiny procedure and categorisation could be appropriate. Is the committee content that that is the case?

Members *indicated agreement.*

Instruments subject to Negative Procedure

Disabled Persons (Badges for Motor Vehicles) (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/128)

10:02

The Convener: Agenda item 3 is consideration of two negative instruments that we considered under item 2. We are now undertaking technical scrutiny of the instruments.

SSI 2019/128 was laid before the Parliament on 1 April 2019 and came into force on the same day at 4 pm, which does not respect the requirement that at least 28 days should elapse between the laying of a negative instrument and the coming into force of that instrument. The reasons for the breach are set out in correspondence with the Presiding Officer, which is available in our published papers.

Standing orders require the committee to draw to the Parliament's attention any failure to respect the 28-day laying requirement. Does the committee wish to draw the instrument to the Parliament's attention 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(2) of the 2010 act is acceptable in the circumstances?

Members indicated agreement.

Public Health and Tobacco (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/142)

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

Members indicated agreement.

Instruments not subject to Parliamentary Procedure

10:03

The Convener: Agenda item 4 is consideration of two instruments that are not subject to parliamentary procedure, on which no points have been raised.

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Labour Market Enforcement Orders) 2019 (SSI 2019/139)

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc Rules Amendment) (Labour Market Enforcement Orders) 2019 (SSI 2019/140)

The Convener: Is the committee content with the instruments?

Members indicated agreement.

10:04

Meeting continued in private until 10:23.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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