



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 28 May 2019**

**Session 5**



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Pàrlamaid na h-Alba

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**18<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 28 May 2019*

*[The Convener opened the meeting at 10:01]*

### Decision on Taking Business in Private

**The Convener (Graham Simpson):** I welcome everyone to the 18th meeting in 2019 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that the committee takes item 6, which is on consideration of the delegated powers provisions in the South of Scotland Enterprise Bill as amended at stage 2, in private. Do members agree to that?

**Members indicated agreement.**

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

### Marketing of Horticultural Produce and Bananas (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/169)

10:01

**The Convener:** Under agenda item 2, we will look at three instruments under the European Union (Withdrawal) Act 2018, which involves considering the scrutiny procedure under which they have been laid and the categorisation that the Scottish Government has applied to them.

SSI 2019/169 has been laid under the negative procedure and has been categorised as being of low significance. The instrument preserves the current common market organisation rules on the marketing of horticultural produce and bananas from exit day by making technical corrections to the relevant domestic regulations. It does so to ensure that the legislation functions appropriately in the domestic, as opposed to the European Union, context.

It is suggested that the scrutiny procedure and categorisation could be appropriate. Is the committee content with that?

**Members indicated agreement.**

### Environment (EU Exit) (Miscellaneous Amendments) (Scotland) Regulations 2019 (SSI 2019/175)

**The Convener:** SSI 2019/175 has been laid under the negative procedure and has been categorised as being of low significance. The instrument makes minor corrections to the Environment (EU Exit) (Scotland) (Amendment etc) Regulations 2019 (SSI 2019/26) that the Government undertook to make before the start of the summer recess.

It is suggested that the scrutiny procedure and categorisation could be appropriate. Is the committee content with that?

**Members indicated agreement.**

### Environmental Assessment (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/178)

**The Convener:** SSI 2019/178 has been laid under the negative procedure and has been categorised as being of low significance. The instrument makes minor and technical changes to

the Environmental Assessment (Scotland) Act 2005 to update cross-references to other legislation and to fix deficiencies arising from the United Kingdom's exit from the EU.

It is suggested that the scrutiny procedure and categorisation could be appropriate. Is the committee content with that?

**Members** *indicated agreement.*

## **Instrument subject to Affirmative Procedure**

### **Presumption Against Short Periods of Imprisonment (Scotland) Order 2019 [Draft]**

10:03

**The Convener:** Agenda item 3 is consideration of an affirmative instrument, on which no points have been raised. The draft order was initially laid before the Parliament on 16 May, but it was withdrawn and relaid on 22 May to address a couple of drafting issues that had been identified by our legal advisers.

Is the committee content with the instrument?

**Members** *indicated agreement.*

## **Instruments subject to Negative Procedure**

10:04

**The Convener:** Agenda item 4 is consideration of 10 negative instruments, on which no points have been raised.

### **Abertay University (Scotland) Order of Council 2019 (SSI 2019/163)**

**A90 Trunk Road (Aberdeen Western Peripheral Route) (Stonehaven to Blackdog) (Prohibitions and Restrictions) Regulations 2019 (SSI 2019/166)**

**A956 Trunk Road (Aberdeen Western Peripheral Route) (Cleanhill to Charleston) (Prohibitions and Restrictions) Regulations 2019 (SSI 2019/167)**

**Motorways Traffic (Scotland) Amendment Regulations 2019 (SSI 2019/168)**

**Marketing of Horticultural Produce and Bananas (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/169)**

**Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Amendment Order 2019 (SSI 2019/172)**

**Public Procurement etc (Miscellaneous Amendments) (Scotland) Regulations 2019 (SSI 2019/173)**

**Electricity (Applications for Consent and Variation of Consent) (Fees) (Scotland) Regulations 2019 (SSI 2019/176)**

**Environmental Assessment (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/178)**

**Education (Scotland) Act 1980 (Modification) Regulations 2019 (SSI 2019/179)**

**The Convener:** Do members have any comments or questions on the instruments?

**Stuart McMillan (Greenock and Inverclyde) (SNP):** In relation to SSI 2019/163, which changes the name of the institution, I point out, for the sake of transparency, that I studied at the University of Abertay Dundee.

**The Convener:** Thank you, Stuart.

Is the committee content with the instruments?

**Members** *indicated agreement.*

**Instrument not subject to  
Parliamentary Procedure**

10:05

*Meeting continued in private until 10:11.*

**Scottish Crown Estate Act 2019  
(Commencement No 1) Regulations 2019  
(SSI 2019/170 (C 4))**

10:04

**The Convener:** Agenda item 5 is consideration of an instrument that is not subject to parliamentary procedure, on which no points have been raised.

Is the committee content with the instrument?

**Members** *indicated agreement.*



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