



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 18 June 2019

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 18 June 2019

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DELEGATED POWERS AND LAW REFORM COMMITTEE
20th 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 18 June 2019

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Graham Simpson): I welcome everyone to the 20th meeting in 2019 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that we take items 6 and 7—consideration of the delegated powers provisions in the Non-Domestic Rates (Scotland) Bill and of our quarterly report—in private. Does the committee agree to that?

Members *indicated agreement.*

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

Seed and Propagating Material (EU Exit) (Scotland) (Amendment) (No 2) Regulations 2019 (SSI 2019/190)

10:00

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

SSI 2019/190 has been laid under the negative procedure and has been categorised as being of low significance. It amends various marketing regulations for seed and plant propagating materials. As well as transposing European Union directives to ensure that there are minimum quality standards and traceability, the instrument corrects errors in a previous instrument that were identified by the committee at its meeting on 12 March.

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

Debt Arrangement Scheme (Scotland) Amendment Regulations 2019 [Draft]

10:01

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

Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 (SSI 2019/193)

10:02

The Convener: The regulations make provision for a new scheme that will replace the United Kingdom healthy start vouchers in Scotland. The aim of the scheme is to help and encourage low-income pregnant women and families with children under three who are in receipt of certain benefits to have access to healthy foods.

The meaning of regulation 18, which concerns the level of fine for an offence relating to failing to notify a change in circumstances or to produce a payment card, could be made clearer. Details are available in our published papers. The Scottish Government has acknowledged that concern and has made a commitment to lay an amending instrument to clarify the regulation.

Does the committee wish to draw the regulations to the attention of the Parliament on reporting ground (h), as the meaning of one of them could be made clearer?

Members *indicated agreement.*

The Convener: Does the committee wish to welcome the Scottish Government's undertaking to lay an amending instrument to clarify the drafting of regulation 18?

Members *indicated agreement.*

Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Amendment Regulations 2019 (SSI 2019/204)

The Convener: The instrument rectifies two relatively minor errors that were identified by the committee at its meeting on 21 May. Because it was laid before the Parliament on 11 June and comes into force on 28 June, it 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 date on which it comes into force. 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 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(2) of the 2010 act is acceptable in the circumstances?

Members *indicated agreement.*

The Convener: No points have been raised on the following three instruments.

**Seed and Propagating Material (EU Exit)
(Scotland) (Amendment) (No 2)
Regulations 2019 (SSI 2019/190)**

**National Assistance (Assessment of
Resources) Amendment (Scotland) (No 2)
Regulations 2019 (SSI 2019/191)**

**Private Landlord Registration
(Information) (Scotland) Regulations 2019
(SSI 2019/195)**

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instrument not subject to Parliamentary Procedure

**Damages (Investment Returns and
Periodical Payments) (Scotland) Act 2019
(Commencement No 1) Regulations 2019
(SSI 2019/197)**

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.*

10:05

Meeting continued in private until 10:32.

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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