



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 3 September 2019

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
22nd 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 3 September 2019

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Graham Simpson): I welcome everyone to the 22nd meeting in 2019 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that the committee takes items 5, 6, 7 and 8 in private. Do members agree to do so?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

10:00

The Convener: Under agenda item 2, no points have been raised on the following seven affirmative Scottish statutory instruments.

Historical Sexual Offences (Disregarded Convictions and Official Records) (Scotland) Regulations 2019 [Draft]

Scottish Tribunals (Listed Tribunals) Regulations 2019 [Draft]

Tenancy Deposit Schemes (Scotland) Amendment Regulations 2019 [Draft]

Conservation (Natural Habitats, &c) (Miscellaneous Amendments) (Scotland) Regulations 2019 [Draft]

Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2019 [Draft]

Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 [Draft]

Additional Powers Request (Scotland) Regulations 2019 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

The Convener: The draft Conservation (Natural Habitats, &c) (Miscellaneous Amendments) (Scotland) Regulations 2019 make one small amendment to the Conservation (Natural Habitats, &c) Regulations 1994 (SI 1994/2716).

The Scottish Government has previously committed to consolidating the 1994 regulations. Does the committee agree to write to the Scottish Government to seek an update on that commitment?

Members *indicated agreement.*

Instruments subject to Negative Procedure

Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2019 (SSI 2019/232)

10:01

The Convener: The first instrument for consideration under item 3 is SSI 2019/232, which amends SSI 2019/193 in light of the committee's report on that instrument of 18 June. The amendment is technical in nature and does not change the policy intention. It seeks to clarify particular provisions in relation to offences.

Because the instrument was laid before the Parliament on 27 June and came into force on 11 August, it did not meet 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. The reasons for the failure to comply with that requirement are outlined in the letter from the Scottish Government to the Presiding Officer of 27 June, which is available in our published papers.

Is the committee content that the failure to comply with section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 is acceptable in the circumstances?

Members indicated agreement.

The Convener: 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)?

Members indicated agreement.

Plant Health (Miscellaneous Amendments) (Scotland) Order 2019 (SSI 2019/242)

The Convener: SSI 2019/242 is an emergency measure. It amends the Plant Health (Forestry) Order 2005 (SSI 2005/2517) and the Plant Health (Scotland) Order 2005 (SSI 2005/613) to enhance import controls against the introduction of oak processionary moth. It has been made under the Plant Health Act 1967.

The order was laid before the Parliament on 12 July and came into force on 16 July. As with the previous set of regulations, it did not meet the 28-day laying requirement. The reasons for that are outlined in the letter of 12 July, from the Scottish Government to the Presiding Officer, that is available in our published papers.

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

Members indicated agreement.

The Convener: Does the committee wish to draw the order to the attention of the Parliament on reporting ground (j)?

Members indicated agreement.

The Convener: Good. We can all go away and google the "oak processionary moth" to find out what that is.

No points have been raised on the following two negative instruments.

Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc) (Scotland) Regulations 2019 (SSI 2019/230)

Police (Retention and Disposal of Motor Vehicles) (Scotland) Amendment Regulations 2019 (SSI 2019/231)

The Convener: Is the committee content with the instruments?

Members indicated agreement.

Instruments not subject to Parliamentary Procedure

10:05

Meeting continued in private until 10:41.

10:04

The Convener: Under agenda item 4, no points have been raised on the following three instruments.

Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Court Sittings) 2019 (SSI 2019/227)

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Company Insolvency Rules Amendment) (Insolvency) 2019 (SSI 2019/247)

Social Security (Scotland) Act 2018 (Commencement No 5, Revocation and Saving Provision) Regulations 2019 (SSI 2019/269)

The Convener: Is the committee content with the instruments?

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.

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

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