



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 25 February 2020**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



---

**Tuesday 25 February 2020**

**CONTENTS**

	<b>Col.</b>
<b>INSTRUMENTS SUBJECT TO AFFIRMATIVE PROCEDURE .....</b>	<b>1</b>
Local Government Finance (Scotland) Order 2020 [Draft] .....	1
Funeral Expense Assistance and Young Carer Grants (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2020 [Draft] .....	1
Carer's Allowance Up-rating (Scotland) Order 2020 [Draft] .....	1
Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (Success Fee Agreements) Regulations 2020 [Draft] .....	1
Social Security (Advocacy Service Standards) (Scotland) Regulations 2020 [Draft] .....	1
First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 [Draft] .....	2
First-tier Tribunal for Scotland (Transfer of Functions of Bus Lane Adjudicators) Regulations 2020 [Draft] .....	2
First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals (Rules of Procedure) Regulations 2020 [Draft] .....	2
First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020 [Draft] .....	2
Scottish Courts and Tribunals Service (Judicial Members) Amendment Order 2020 [Draft] .....	2
Scottish Courts and Tribunals Service (Procedure for Appointment of Members) Amendment Regulations 2020 [Draft] .....	2
<b>INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE .....</b>	<b>3</b>
Council Tax Reduction (Scotland) Amendment Regulations 2020 (SSI 2020/25) .....	3
Carer's Allowance Up-rating (Miscellaneous Amendments) (Scotland) Regulations 2020 (SSI 2020/32) .....	3
<b>INSTRUMENTS NOT SUBJECT TO PARLIAMENTARY PROCEDURE .....</b>	<b>5</b>
Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (Commencement No 2 and Transitional Provision) Regulations 2020 (SSI 2020/23) .....	5
Act of Adjournment (Criminal Procedure Rules 1996 Amendment) (Miscellaneous) 2020 (SSI 2020/27) .....	5
Act of Sederunt (Rules of the Court of Session 1994, Sheriff Appeal Court Rules and Sheriff Court Rules Amendment) (Reporting Restrictions) 2020 (SSI 2020/28) .....	5
<b>INSTRUMENT AND DOCUMENT LAID FOR CONSULTATION .....</b>	<b>6</b>
UEFA European Championship (Scotland) Act 2020 Remedial Order 2020 (SG/2020/18) .....	6
UEFA European Championship (Scotland) Act 2020 Remedial Order 2020: Statement of Reasons (SG/2020/19) .....	6

---

## **DELEGATED POWERS AND LAW REFORM COMMITTEE**

### **7<sup>th</sup> Meeting 2020, Session 5**

#### **CONVENER**

\*Graham Simpson (Central Scotland) (Con)

#### **DEPUTY CONVENER**

\*Stuart McMillan (Greenock and Inverclyde) (SNP)

#### **COMMITTEE MEMBERS**

\*Tom Arthur (Renfrewshire South) (SNP)

\*Jeremy Balfour (Lothian) (Con)

\*Mary Fee (West Scotland) (Lab)

\*attended

#### **CLERK TO THE COMMITTEE**

Andrew Proudfoot

#### **LOCATION**

The Adam Smith Room (CR5)

# Scottish Parliament

## Delegated Powers and Law Reform Committee

Tuesday 25 February 2020

*[The Convener opened the meeting at 10:00]*

### Instruments subject to Affirmative Procedure

**The Convener (Graham Simpson):** I welcome everyone to the seventh meeting in 2020 of the Delegated Powers and Law Reform Committee. This will be my last meeting as convener of the committee. It has been an absolute honour to be the convener of such an important committee that does great work. It has been a pleasure to work with every single one of you. There will be a few other changes—Jeremy Balfour and Tom Arthur are also coming off the committee. I am sure that we will be replaced by able members.

I would like to thank the lawyers. People think that lawyers are a boring bunch, but I have discovered that they are not all boring. I also thank the clerks—they are the people who sit in the shadows on committees but keep us right. They have done a great job. I will be moving on to the Social Security Committee, but not as convener.

Agenda item 1 is consideration of a number of draft affirmative instruments. No points have been raised on the following five draft instruments.

#### Local Government Finance (Scotland) Order 2020 [Draft]

#### Funeral Expense Assistance and Young Carer Grants (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2020 [Draft]

#### Carer's Allowance Up-rating (Scotland) Order 2020 [Draft]

#### Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (Success Fee Agreements) Regulations 2020 [Draft]

#### Social Security (Advocacy Service Standards) (Scotland) Regulations 2020 [Draft]

**The Convener:** Jeremy Balfour would like to say something about the draft Social Security

(Advocacy Service Standards) (Scotland) Regulations 2020.

**Jeremy Balfour (Lothian) (Con):** I think that the regulations are very helpful, but there still seems to be a slight lack of clarity about what is meant by “independent”. It would be good if we could bring that issue to the attention of the lead committee, which might want to raise it with the Cabinet Secretary for Social Security and Older People when she appears before it.

**The Convener:** Does the committee agree to mention that in our report?

**Members indicated agreement.**

**The Convener:** No points have been raised on four draft First-tier Tribunal for Scotland instruments.

#### First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 [Draft]

#### First-tier Tribunal for Scotland (Transfer of Functions of Bus Lane Adjudicators) Regulations 2020 [Draft]

#### First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals (Rules of Procedure) Regulations 2020 [Draft]

#### First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020 [Draft]

**The Convener:** Lastly, no points have been raised on two draft Scottish Courts and Tribunals Service instruments.

#### Scottish Courts and Tribunals Service (Judicial Members) Amendment Order 2020 [Draft]

#### Scottish Courts and Tribunals Service (Procedure for Appointment of Members) Amendment Regulations 2020 [Draft]

**The Convener:** Is the committee content with that rather long list of instruments?

**Members indicated agreement.**

**The Convener:** Great.

## Instruments subject to Negative Procedure

### Council Tax Reduction (Scotland) Amendment Regulations 2020 (SSI 2020/25)

10:03

**The Convener:** The first instrument for consideration under agenda item 2 is SSI 2020/25, which makes provision to annually uprate various allowances, premiums and deductions in the Council Tax Reduction (Scotland) Regulations 2012 (SSI 2012/303), which are known as the working age regulations, and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 (SSI 2012/319), which are known as the pension age regulations. Together, those are referred to as the principal regulations.

Regulations 3 and 4 of SSI 2020/25 incorrectly refer to regulation 23A of the working age regulations. Instead, they should refer to regulation 22A of those regulations.

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground because of the incorrect reference to regulation 23A?

**Members indicated agreement.**

**The Convener:** Does the committee wish to note the Scottish Government's commitment to correct the error when the working age regulations are next amended?

**Members indicated agreement.**

**The Convener:** Members will recall that the committee has previously called for the principal regulations to be consolidated. The Scottish Government's commitment to correct the error in SSI 2020/25 when the working age regulations are next amended indicates an intention to continue to update those regulations rather than undertake the consolidation exercise that the committee considers necessary.

Does the committee therefore wish to write to the Scottish Government to ask for an update on any consolidation plans in relation to the principal regulations?

**Members indicated agreement.**

### Carer's Allowance Up-rating (Miscellaneous Amendments) (Scotland) Regulations 2020 (SSI 2020/32)

**The Convener:** No points have been raised on SSI 2020/32. Is the committee content with the instrument?

**Members indicated agreement.**

## Instruments not subject to Parliamentary Procedure

10:05

**The Convener:** Agenda item 3 is consideration of three instruments that are not subject to any parliamentary procedure.

**Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (Commencement No 2 and Transitional Provision) Regulations 2020 (SSI 2020/23)**

**Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Miscellaneous) 2020 (SSI 2020/27)**

**Act of Sederunt (Rules of the Court of Session 1994, Sheriff Appeal Court Rules and Sheriff Court Rules Amendment) (Reporting Restrictions) 2020 (SSI 2020/28)**

**The Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

## Instrument and Document laid for Consultation

10:06

**The Convener:** Agenda item 4 is consideration of an instrument and a document that have been laid for consultation.

**UEFA European Championship (Scotland) Act 2020 Remedial Order 2020 (SG/2020/18)**

**UEFA European Championship (Scotland) Act 2020 Remedial Order 2020: Statement of Reasons (SG/2020/19)**

**The Convener:** No points have been raised on the proposed draft order, SG/2020/18, or on the accompanying statement of reasons, SG/2020/19.

Is the committee content with SG/2020/18 and SG/2020/19?

**Members** *indicated agreement.*

*Meeting closed at 10:06.*





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

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba