



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 2 June 2020

Session 5



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Pàrlamaid na h-Alba

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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
INSTRUMENT SUBJECT TO MADE AFFIRMATIVE PROCEDURE	1
Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No 3) Regulations 2020 (SS1 2020/164)	1
INSTRUMENT SUBJECT TO AFFIRMATIVE PROCEDURE	1
Budget (Scotland) Act 2020 Amendment Regulations 2020 [Draft]	1
INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE	2
Marine Works and Marine Licensing (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/157)	2
Food Information and Addition of Vitamins, Minerals and Other Substances (Scotland) Amendment Regulations 2020 (SSI 2020/156)	3
INSTRUMENT NOT SUBJECT TO PARLIAMENTARY PROCEDURE	4
Scottish Elections (Franchise and Representation) Act 2020 (Commencement) Regulations 2020 (SS1 2020/162 (C 15))	4

DELEGATED POWERS AND LAW REFORM COMMITTEE

19th Meeting 2020, Session 5

CONVENER

*Bill Bowman (North East Scotland) (Con)

DEPUTY CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

COMMITTEE MEMBERS

Mary Fee (West Scotland) (Lab)

*Gordon Lindhurst (Lothian) (Con)

Gil Paterson (Clydebank and Milngavie) (SNP)

*attended

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 2 June 2020

[The Convener opened the meeting at 12:30]

Decision on Taking Business in Private

The Convener (Bill Bowman): Good afternoon. I welcome everyone to the 19th meeting in 2020 of the Delegated Powers and Law Reform Committee. We have apologies from two of our members—Mary Fee and Gil Paterson.

Under agenda item 1, it is proposed that the committee takes items 6 and 7 in private, as they involve consideration of reports that will be published when they have been agreed. Does the committee agree to take those items in private?

Members indicated agreement.

Instrument subject to Made Affirmative Procedure

Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No 3) Regulations 2020 (SSI 2020/164)

12:30

The Convener: Under agenda item 2, no points have been raised on SSI 2020/164. Is the committee content with the instrument?

Members indicated agreement.

Instrument subject to Affirmative Procedure

Budget (Scotland) Act 2020 Amendment Regulations 2020 [Draft]

12:31

The Convener: Agenda item 3 is consideration of a draft affirmative instrument, on which no points have been raised. Is the committee content with the instrument?

Members indicated agreement.

Instruments subject to Negative Procedure

Marine Works and Marine Licensing (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/157)

12:31

The Convener: The first instrument for consideration under agenda item 4 is SSI 2020/157, which makes temporary modifications to suspend the requirements to make information or documentation available for inspection in a public place, to provide hard copies of environmental impact assessment reports and to hold public events during the coronavirus emergency period.

The instrument was laid before the Parliament on 20 May and came into force on the same day, which 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 coming into force of that instrument. The committee is therefore required under standing orders to draw the instrument to the attention of the Parliament on reporting ground (j), for its failure to comply with the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j)?

Members indicated agreement.

The Convener: The committee also considers the reasons for breaches of the 28-day rule, which in this case are set out in a letter to the Presiding Officer that is dated 20 May 2020. The letter explains that it was considered necessary to bring the modifications in question into force as soon as possible, given the sudden nature of the pandemic and the major consequences of its associated impacts on business. The letter states that that will support future economic and societal recovery; ensure consistency of approach across the planning and energy consents systems and thus provide certainty for applicants and the public; and maintain the ability of Marine Scotland's licensing operations team to continue to process applications efficiently.

Is the committee content with the reasons that have been given for the failure to comply with section 28(2) of the 2010 act?

Members indicated agreement.

**Food Information and Addition of
Vitamins, Minerals and Other Substances
(Scotland) Amendment Regulations 2020
(SSI 2020/156)**

The Convener: No points have been raised on SSI 2020/156. Is the committee content with the instrument?

Members *indicated agreement.*

**Instrument not subject to
Parliamentary Procedure**

**Scottish Elections (Franchise and
Representation) Act 2020
(Commencement) Regulations 2020
(SSI 2020/162 (C 15))**

12:33

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.*

12:33

Meeting continued in private until 13:16.

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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