



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 16 June 2020**

**Session 5**



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Pàrlamaid na h-Alba

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**21<sup>st</sup> 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 Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Delegated Powers and Law Reform Committee

Tuesday 16 June 2020

*[The Convener opened the meeting at 12:32]*

### Decision on Taking Business in Private

**The Convener (Bill Bowman):** Good afternoon. I welcome everyone to the 21st 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 5, 6 and 7 in private, as those items involve consideration of reports that will be published when they have been agreed.

Does the committee agree to take items 5, 6 and 7 in private?

**Members indicated agreement.**

## Instruments subject to Made Affirmative Procedure

### Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169)

12:32

**The Convener:** The first instrument for consideration under agenda item 2 is SSI 2020/169, which requires people who return to Scotland from international travel to provide personal and travel information to the secretary of state and to self-isolate at a specified address for 14 days upon their return.

The instrument contains three references to regulation 7(1). That is an error, as there is no paragraph (1) in regulation 7. The instrument also contains three references to paragraph 38 of schedule 2 to the regulations. That is an error, as there is no paragraph 38 of schedule 2; those references should be to paragraph 37 of schedule 2 to the regulations.

Regulation 6(6) makes reference to regulation 10(4) of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (SSI 2020/103). That is an error, as it should refer to regulation 9(6) of those regulations.

Finally, the instrument states that offences under regulations 9(1) and 9(2) attract a fixed-penalty notice of £480. That is an error, as the policy intention is that all the offences under regulations 9(1), 9(2), 9(3) and 9(4) should attract such a fixed-penalty notice.

Does the committee wish to report the instrument on the general reporting ground in respect of those errors?

**Members indicated agreement.**

**The Convener:** Does the committee wish to note the Scottish Government's commitment to issue a correction slip in respect of the references to paragraph 38 of schedule 2 and the reference to regulation 10(4) in regulation 6(6)?

**Members indicated agreement.**

**The Convener:** Does the committee wish to note that the Scottish Government has laid an amending instrument in respect of the error in regulation 9?

**Members indicated agreement.**

**Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (SSI 2020/170)**

**The Convener:** The purpose of SSI 2020/170 is to impose requirements on persons operating commercial services for international passengers travelling to Scotland by sea and air from outside the common travel area. Operators are required to ensure that passengers who arrive in Scotland have been provided with certain public health information in relation to the coronavirus. The instrument provides that it is an offence to breach its requirements.

The definition of “required information” in regulation 2 has been duplicated erroneously. There is also a cross-referencing error in regulation 6(5). The description of a “reasonable excuse” in regulation 6(5) should refer to paragraph (4) rather than paragraph (5). There is a further error in paragraph 3(d) of the schedule, where the word “certain” has been included in error.

Does the committee wish to report the instrument on the general reporting ground in respect of those errors?

**Members indicated agreement.**

**The Convener:** Does the committee wish to note the Scottish Government’s commitment to issue a correction slip in respect of the reference to paragraph (5) in regulation 6(5)?

**Members indicated agreement.**

**Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2020 (SSI 2020/171)**

**The Convener:** No points have been raised on SSI 2020/171. Is the committee content with the instrument?

**Members indicated agreement.**

**Instrument subject to Affirmative Procedure**

**Legal Aid and Advice and Assistance (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020 [Draft]**

12:36

**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 not subject to Parliamentary Procedure**

**Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (Commencement No 3) Regulations 2020 (SSI 2020/167 (C 16))**

**Marking of Creels (Scotland) Order 2020 (SSI 2020/168)**

12:36

**The Convener:** Agenda item 4 is consideration of two instruments that are not subject to parliamentary procedure, on which no points have been raised. Is the committee content with the instruments?

**Members indicated agreement.**

12:36

*Meeting continued in private until 12:43.*

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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