



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 15 September 2020

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
28th Meeting 2020, Session 5

CONVENER

*Bill Bowman (North East Scotland) (Con)

DEPUTY CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

COMMITTEE MEMBERS

*Michelle Ballantyne (South Scotland) (Con)

*Mary Fee (West Scotland) (Lab)

*Gil Paterson (Clydebank and Milngavie) (SNP)

*attended

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 15 September 2020

[The Convener opened the meeting at 12:00]

Decision on Taking Business in Private

The Convener (Bill Bowman): Good afternoon. I welcome everyone to the 28th meeting in 2020 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that the committee takes items 6, 7, 8 and 9 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 6 to 9 in private?

Members *indicated agreement.*

Instrument subject to Made Affirmative Procedure

Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 13) Regulations 2020 (SSI 2020/274)

12:00

The Convener: Agenda item 2 is consideration of an instrument that is subject to the made affirmative procedure, on which no points have been raised. Is the committee content with the instrument?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

12:00

The Convener: Agenda item 3 is consideration of two draft affirmative instruments, on which no points have been raised.

First-tier Tribunal for Scotland Social Security Chamber (Procedure and Composition) Amendment Regulations 2020 [Draft]

Scottish Child Payment Regulations 2020 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020 (SSI 2020/268)

12:01

The Convener: The first instrument for consideration under agenda item 4 is SSI 2020/268. Members will recall that the committee deferred consideration of the instrument at its most recent meeting, following its receipt of a submission from Shelter Scotland.

Shelter Scotland's briefing raises a number of concerns relating to the drafting of the instrument. As members know, the committee's primary role is to ensure that changes to the law that are within the scope of the powers that the Parliament has delegated to the Scottish ministers are drafted appropriately and are clear to the user. I therefore welcome the points that Shelter Scotland has raised.

Although it is clear that Shelter Scotland has significant concerns about the policy intention and drafting of the instrument, our legal advisers consider that, on Shelter Scotland's specific drafting points, the instrument achieves the policy intention that is outlined by the Scottish Government in the policy note that accompanies the instrument. Notwithstanding that, those policy choices will be of interest to the Local Government and Communities Committee, which is the lead committee for consideration of the instrument.

Members will be aware that a submission has also been received from the Convention of Scottish Local Authorities, which focuses on the background to the instrument. COSLA's submission might also be of interest to the lead committee.

Is the committee content to recommend that the instrument should not be drawn to the attention of the Parliament on any reporting grounds, but to highlight the submissions that it has received from Shelter Scotland and COSLA to the lead committee?

Members *indicated agreement.*

The Convener: No points have been raised on the three other negative instruments on our agenda.

Town and Country Planning (General Permitted Development) (Reverse Vending Machines) (Scotland) Amendment Order 2020 (SSI 2020/269)

Coronavirus (Scotland) Act 2020 (Eviction from Dwelling-houses) (Notice Periods) Modification Regulations 2020 (SSI 2020/270)

Building (Scotland) Amendment Regulations 2020 (SSI 2020/275)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instrument not subject to Parliamentary Procedure

Scottish National Investment Bank Act 2020 (Commencement) Regulations 2020 (SSI 2020/272 (C 22))

12:03

The Convener: Agenda item 5 is consideration of an instrument that is not subject to any parliamentary procedure and on which no points have been raised. Is the committee content with the instrument?

Members *indicated agreement.*

12:03

Meeting continued in private until 12:30.

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