



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 8 December 2020

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

38th 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) (Ind)

*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 8 December 2020

[The Convener opened the meeting at 11:46]

Decision on Taking Business in Private

The Convener (Bill Bowman): Good morning. I welcome everyone to the 38th meeting in 2020 of the Delegated Powers and Law Reform Committee.

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

Members *indicated agreement.*

Instruments subject to Made Affirmative Procedure

11:46

The Convener: Agenda item 2 is consideration of two instruments that are subject to the made affirmative procedure, on which no points have been raised.

**Health Protection (Coronavirus)
(Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 5) Regulations 2020 (SSI 2020/400)**

**Health Protection (Coronavirus)
(International Travel) (Scotland) Amendment (No 24) Regulations 2020 (SSI 2020/404)**

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

11:46

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

Carer's Allowance Supplement and Young Carer Grants (Residence Requirements and Procedural Provisions) (EU Exit) (Scotland) Regulations 2020 [Draft]

Criminal Legal Aid and Advice and Assistance (Counter-Terrorism and Border Security) (Scotland) Regulations 2021 [Draft]

Scottish Child Payment Amendment Regulations 2021 [Draft]

The Convener: Members will note that the instrument on the carers allowance supplement was withdrawn and relaid in the light of questions that were raised by the committee. The errors have been rectified in the relaid version.

Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

Aquaculture and Fisheries (EU Exit) (Scotland) (Amendment etc) Regulations 2020 (SSI 2020/393)

11:47

The Convener: The first instrument for consideration under agenda item 4 is SSI 2020/393, on which a drafting error has been raised. Specifically, in regulation 3(11), in the modifications to part A of annex 3 of directive 2006/88/EC, paragraphs 4(b)(ii) and 4(b)(iii) of new schedule 1E make reference to "Article 2b(1)" and "Article 2b(3)" of decision 2015/1554. Article 2b does not exist.

The Scottish Government has confirmed that those are cross-referencing errors and that the references should be to "Article 2a(1)" and "Article 2a(3)" of that decision, respectively. The Government has said that it will correct those errors by correction slip.

While noting that the Government will remedy the errors by correction slip, does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground?

Members *indicated agreement.*

Non-Domestic Rates (Restriction of Relief and Consequential Amendments) (Scotland) Regulations 2020 (SSI 2020/391)

The Convener: No points have been raised on the instrument. Is the committee content with it?

Members *indicated agreement.*

11:49

Meeting continued in private until 12:55.

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