



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 23 February 2021

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 23 February 2021

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
EUROPEAN UNION (WITHDRAWAL) ACT 2018: INSTRUMENT PROCEDURE AND CATEGORY	2
Food, Natural Mineral Water, Spring Water and Bottled Drinking Water (EU Exit) (Scotland) (Amendment) Regulations 2021 (SSI 2021/66)	2
EUROPEAN UNION (WITHDRAWAL) ACT 2018: INSTRUMENT CATEGORY	3
Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 [Draft]	3
Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2021 [Draft]	3
INSTRUMENT SUBJECT TO MADE AFFIRMATIVE PROCEDURE	4
Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/72)	4
INSTRUMENTS SUBJECT TO AFFIRMATIVE PROCEDURE	5
Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2021 [Draft]	5
Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 [Draft]	5
Disability Assistance for Children and Young People (Scotland) Regulations 2021 [Draft]	5
Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2021 [Draft]	5
Social Security Information-sharing (Scotland) Regulations 2021 [Draft]	5
Scottish Parliament (Elections etc) Amendment (Coronavirus) Order 2021 [Draft]	5
INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE	6
Food, Natural Mineral Water, Spring Water and Bottled Drinking Water (EU Exit) (Scotland) (Amendment) Regulations 2021 (SSI 2021/66)	6
Food Information (Scotland) Amendment Regulations 2021 (SSI 2021/70)	6
Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) Amendment Regulations 2021 (SSI 2021/71)	6
Scotland Act 1998 (Agency Arrangements) (Specification) (Overseas Production Orders) Order 2021 (SI 2021/144)	6
INSTRUMENT NOT SUBJECT TO PARLIAMENTARY PROCEDURE	7
Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (Miscellaneous) 2021 (SSI 2021/75)	7

DELEGATED POWERS AND LAW REFORM COMMITTEE

7th Meeting 2021, Session 5

CONVENER

*Bill Bowman (North East Scotland) (Con)

DEPUTY CONVENER

*Gil Paterson (Clydebank and Milngavie) (SNP)

COMMITTEE MEMBERS

Michelle Ballantyne (South Scotland) (Reform)

*Mary Fee (West Scotland) (Lab)

*Joe FitzPatrick (Dundee City West) (SNP)

*attended

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

Virtual Meeting

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 23 February 2021

[The Convener opened the meeting at 11:45]

Decision on Taking Business in Private

The Convener (Bill Bowman): Good morning. I welcome everyone to the seventh meeting in 2021 of the Delegated Powers and Law Reform Committee.

As we are meeting online, it will be more challenging for members to indicate agreement to the items that are discussed. Therefore, I ask members to raise their hand if they are not content with the question that is being put, or if they wish to speak about the instrument in question.

The first agenda item is a decision on whether to take in private item 8, which involves consideration of a report that will be published when it has been agreed. Is the committee content to take item 8 in private?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

European Union (Withdrawal) Act 2018: Instrument Procedure and Category

Food, Natural Mineral Water, Spring Water and Bottled Drinking Water (EU Exit) (Scotland) (Amendment) Regulations 2021 (SSI 2021/66)

11:46

The Convener: Agenda item 2 is consideration of an instrument that has been laid under the European Union (Withdrawal) Act 2018. The committee is considering whether the Scottish Government has applied the appropriate scrutiny procedure and the appropriate category to SSI 2021/66.

The instrument has been laid under the negative procedure and has been categorised by the Scottish Government as being of medium significance. Is the committee content that the appropriate scrutiny procedure has been applied to the instrument and that it has been categorised properly as being of medium significance?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

European Union (Withdrawal) Act 2018: Instrument Category

11:46

The Convener: Agenda item 3 is consideration of two draft instruments that have been laid under the European Union (Withdrawal) Act 2018. The committee is considering only whether the Scottish Government has applied the appropriate categories to the instruments.

Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 [Draft]

The Convener: Is the committee content that the instrument has been categorised properly as being of medium significance?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2021 [Draft]

The Convener: Is the committee content that the instrument has been categorised properly as being of high significance?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Instrument subject to Made Affirmative Procedure

Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/72)

11:47

The Convener: Agenda item 4 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?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Instruments subject to Affirmative Procedure

Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2021 [Draft]

11:48

The Convener: An issue has been raised on the first instrument for consideration under agenda item 5, which creates a power to legislate that replaces the former European Union function of imposing “special import conditions”. In the new power, “special import conditions” is not defined or expanded upon. Accordingly, it could be clearer as a matter of domestic law what kinds of condition may be imposed and whether, for example, only conditions that are stricter than the usual conditions may be imposed.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (h), as it could be clearer what “special import conditions” means?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

No points have been raised on the following five draft instruments.

Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 [Draft]

Disability Assistance for Children and Young People (Scotland) Regulations 2021 [Draft]

Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2021 [Draft]

Social Security Information-sharing (Scotland) Regulations 2021 [Draft]

Scottish Parliament (Elections etc) Amendment (Coronavirus) Order 2021 [Draft]

The Convener: Is the committee content with the instruments?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Instruments subject to Negative Procedure

11:49

The Convener: Agenda item 6 is consideration of four negative instruments, on which no points have been raised.

Food, Natural Mineral Water, Spring Water and Bottled Drinking Water (EU Exit) (Scotland) (Amendment) Regulations 2021 (SSI 2021/66)

Food Information (Scotland) Amendment Regulations 2021 (SSI 2021/70)

Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) Amendment Regulations 2021 (SSI 2021/71)

Scotland Act 1998 (Agency Arrangements) (Specification) (Overseas Production Orders) Order 2021 (SI 2021/144)

The Convener: Is the committee content with the instruments?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Instrument not subject to Parliamentary Procedure

11:50

Meeting continued in private until 11:58.

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (Miscellaneous) 2021 (SSI 2021/75)

11:50

The Convener: Agenda item 7 is consideration of an instrument that is not subject to parliamentary procedure and on which no points have been raised. Is the committee content with the instrument?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

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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