



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 17 May 2022

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

16th Meeting 2022, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

*Craig Hoy (South Scotland) (Con)

*Graham Simpson (Central Scotland) (Con)

*Paul Sweeney (Glasgow) (Lab)

*attended

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament
Delegated Powers and Law
Reform Committee

Tuesday 17 May 2022

[The Convener opened the meeting at 10:03]

Decision on Taking Business in
Private

The Convener (Stuart McMillan): Good morning, and welcome to the Delegated Powers and Law Reform Committee's 16th meeting in 2022. Before we move to the first item on the agenda, I remind everyone present to switch mobile phones to silent.

The first item of business is to decide whether to take item 5 in private. Is the committee content to take that item in private?

Members indicated agreement.

Instruments subject to
Affirmative Procedure

10:03

The Convener: Under agenda item 2, we are considering two instruments, on which no points have been raised.

Criminal Justice Act 1988 (Offensive
Weapons) (Amendment, Surrender and
Compensation) (Scotland) Order 2022
[Draft]

Surrender of Offensive Weapons
(Compensation) (Scotland) Regulations
2022 [Draft]

The Convener: Is the committee content with the instruments?

Members indicated agreement.

The Convener: The draft regulations on the surrender of offensive weapons were relaid by the Scottish Government following questions by the committee. The error that the committee highlighted was resolved in the version that is before us this morning.

Mr Simpson wants to comment.

Graham Simpson (Central Scotland) (Con): The two instruments relate to the surrender of, and a compensation scheme for, what are known as zombie knives. Obviously, I am in favour of getting rid of what look to be pretty offensive weapons—if you google “zombie knife”, you will see what I mean. However, the lead committee should be absolutely certain that the regulations are clear on what is meant by a zombie knife, as opposed to any other knife. Obviously, the law needs to be absolutely clear, and we do not want knives to slip through the net. We should raise with the lead committee the need for it to be absolutely certain that the instruments are clearly defined.

The Convener: Thank you, Mr Simpson. That is a valid point, and I am content for us to raise the issue with the lead committee for it to take into account when it considers the instruments.

Instruments subject to Negative Procedure

10:05

The Convener: Under agenda item 3, we are considering five instruments. An issue has been raised on the following instrument.

Police Act 1997 (Criminal Records) (Homes for Ukraine Sponsorship Scheme) (Scotland) Amendment Regulations 2022 (SSI 2022/158)

The Convener: The instrument amends the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 (SSI 2010/168) by extending the categories of individuals to whom an exempted question may be asked for the purpose of an enhanced criminal record certificate. That applies to individuals who are seeking to provide accommodation in relation to the homes for Ukraine sponsorship scheme, whether or not they reside in the accommodation themselves.

The instrument was laid on 6 May 2022 and came into force on 12 May. It therefore breaches the 28-day rule in section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. In correspondence with the Presiding Officer, the Scottish Government explained that a breach of the laying requirements had been necessary to ensure that the safeguarding system that is in place is suitable. It also ensures that the appropriate level of checks can be undertaken in advance of matching taking place, given the number of people due to arrive in Scotland in a very short timescale.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), for failure to comply with laying requirements?

Members indicated agreement.

The Convener: Is the committee content with the explanation that the Scottish Government has provided for the breach of the laying requirements?

Members indicated agreement.

The Convener: Also under this agenda item, no points have been raised on the following instruments.

Local Government Pension Scheme (Scotland) (Miscellaneous Amendments) Regulations 2022 (SSI 2022/153)

Education (Fees) (Scotland) Regulations 2022 (SSI 2022/156)

Student Support (Scotland) Regulations 2022 (SSI 2022/157)

Council Tax Reduction (Scotland) Amendment (No 3) Regulations 2022 (SSI 2022/161)

The Convener: Is the committee content with the instruments?

Members indicated agreement.

**Instrument not subject to
Parliamentary Procedure**

10:08

Meeting continued in private until 10:38.

10:07

The Convener: Under agenda item 4, we are considering an instrument not subject to parliamentary procedure, on which no points have been raised.

**Defamation and Malicious Publication
(Scotland) Act 2021 (Commencement and
Transitional Provision) Regulations 2022
(SSI 2022/154 (C 10))**

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

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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