



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 28 June 2022

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

21st Meeting 2022, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

- *Jeremy Balfour (Lothian) (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 28 June 2022

[The Convener opened the meeting at 10:00]

Instrument subject to Affirmative
Procedure

The Convener (Stuart McMillan): Welcome to the 21st meeting in 2022 of the Delegated Powers and Law Reform Committee. Before we move to the first agenda item, I remind everyone present to switch their phones to silent.

Under the first agenda item, we are considering one instrument, on which no points have been raised.

Advice and Assistance (Summary Criminal
Proceedings) (Miscellaneous Amendment)
(Scotland) Regulations 2022 [Draft]

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

Instruments subject to Negative
Procedure

10:00

The Convener: Agenda item 2 is consideration of six instruments subject to negative procedure. Issues have been raised on three of the instruments for failure to lay them in accordance with the requirements under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. The 2010 act requires that instruments subject to negative procedure be laid at least 28 days before they come into force, not counting recess periods of more than four days.

Public Health etc (Scotland) Act 2008
(Notifiable Diseases and Notifiable
Organisms) Amendment Regulations 2022
(SSI 2022/212)

The Convener: The first instrument on which issues have been raised amends the Public Health etc (Scotland) Act 2008 to add monkeypox to the list of notifiable diseases and the monkeypox virus to the list of notifiable organisms. That will trigger duties on registered medical practitioners and laboratories to share specific information with health boards where they have reasonable grounds to suspect that a person whom they are attending has monkeypox or where the virus is detected during testing. The information will also be shared to the Common Services Agency and Public Health Scotland.

The instrument was laid on 16 June 2022 and came into force later that day. In correspondence with the Presiding Officer, the Scottish Government explained that a breach of the laying requirement had been necessary to ensure that registered medical practitioners and diagnostic laboratories would be placed under a duty to report incidences of the disease so that health boards can consider whether they need to use any of the powers under the 2008 act.

National Health Service (Charges to
Overseas Visitors) (Scotland) Amendment
(No 2) Regulations 2022 (SSI 2022/213)

The Convener: The second instrument on which issues have been raised amends the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 (SI 1989/364) by adding monkeypox to the list of diseases so that overseas visitors can be diagnosed and provided with treatment for monkeypox without charge. The regulations also correct one of the names already on the list of diseases.

The instrument was also laid on 16 June 2022 and came into force later that day. In correspondence with the Presiding Officer, the Scottish Government explained that a breach of the laying requirements had been necessary to ensure that there was no financial barrier to receiving treatment for monkeypox and that overseas visitors were not deterred from seeking treatment, thus reducing the risk to public health from symptomatic visitors. The Scottish Government also explained that the provisions would provide clarity to those responsible for making and recovering charges.

**Sheriff Court Fees Amendment Order 2022
(SSI 2022/214)**

The Convener: This is the third instrument that breaches the 28-day rule. It corrects errors identified by the Scottish Government in the Sheriff Court Fees Order 2022 (SSI 2022/181), which was considered by the committee at its meeting on 14 June 2022 as part of a package of instruments that made provision in respect of court fees. The order amends some of the prescribed fees by increasing them by between £1 and £33. It also corrects a more significant error that would have resulted in a person paying a fee of more than £100 for any actions for payment of money over £200. As that was not the intention of the instrument, the amendment increases the figure to £300, which means that actions for payment of money up to £300 will incur an associated fee of around £20.

The instrument was laid on Tuesday 21 June and will come into force on Friday 1 July. In correspondence with the Presiding Officer, the Scottish Government explained that a breach of the laying requirements had been necessary to correct errors identified in SSI 2022/181.

In relation to the three instruments, does the committee wish to draw them to the attention of the Parliament on reporting ground (j) for failure to comply with laying requirements?

Members indicated agreement.

The Convener: At the same time, is the committee content with the Scottish Government's explanations provided for breaching the laying requirements in respect of SSI 2022/212 and SSI 2022/213?

Members indicated agreement.

The Convener: With regard to SSI 2022/214, does the committee wish to ask the Minister for Parliamentary Business for more details on the errors that were identified at the time?

Members indicated agreement.

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

**Rural Support (Simplification and Improvement) (Scotland) Regulations 2022
(SSI 2022/206)**

**Building (Scotland) Amendment
(Amendment) Regulations 2022
(SSI 2022/209)**

**Offensive Weapons Act 2019 (Prescribed Documents) (Scotland) (No 2) Order 2022
(SSI 2022/210)**

The Convener: Is the committee content with the instruments?

Members indicated agreement.

The Convener: I should say that, in relation to SSI 2022/206, the regulations correct a minor error in the Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2022 (SSI 2022/107) following questions raised by the committee. The error highlighted by the committee has been resolved by the regulations before us this morning.

Instruments not subject to Parliamentary Procedure

10:05

The Convener: Agenda item 3 is consideration of instruments not subject to parliamentary procedure. No points have been raised on the following instruments.

**Period Products (Free Provision)
(Scotland) Act 2021 (Commencement No
2) Regulations 2022 (SSI 2022/208 (C 12))**

**Act of Sederunt (Simple Procedure
Amendment) (Miscellaneous) 2022
(SSI 2022/211)**

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

The Convener: The next meeting of the committee will take place on Tuesday 6 September. I thank members for their commitment and diligence over the past year, and I hope that you manage to get some type of break over the summer recess.

Meeting closed at 10:06.

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.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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