



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 20 September 2022

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Tuesday 20 September 2022

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
INSTRUMENTS SUBJECT TO AFFIRMATIVE PROCEDURE	2
Companies Act 2006 (Scottish public sector companies to be audited by the Auditor General for Scotland) (No 2) Order 2022 [Draft]	2
Scottish Biometrics Commissioner Act 2020 (Code of Practice) (Appointed Day) (Scotland) Regulations 2022 [Draft].....	2
INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE	3
Non-Commercial Movement of Pet Animals (Scotland) Amendment (No 2) Regulations 2022 (SSI 2022/262)	3
Food Information (Transitional Provisions) (Miscellaneous Amendments) (Scotland) Regulations 2022 (SSI 2022/265)	3
Sports Grounds and Sporting Events (Designation) (Scotland) Amendment (No 2) Order 2022 (SSI 2022/263)	4
Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Amendment Rules 2022 (SSI 2022/264)	4
Judicial Appointments Board for Scotland (Membership) Modification Order 2022 (SSI 2022/268)	4
Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (No 2) (Scotland) Regulations 2022 (SSI 2022/271)	4
Council Tax (Exempt Dwellings) (Scotland) Amendment (No 2) Order 2022 (SSI 2022/272).....	4
INSTRUMENTS NOT SUBJECT TO PARLIAMENTARY PROCEDURE	5
Local Electoral Administration and Registration Services (Scotland) Act 2006 (Commencement No 7) Order 2022 (SSI 2022/266 (C 13))	5
Registration of Births, Still-births and Deaths (Prescription of Forms and Attestation) (Miscellaneous Amendment) (Scotland) Regulations 2022 (SSI 2022/267)	5

DELEGATED POWERS AND LAW REFORM COMMITTEE

23rd 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 20 September 2022

[The Convener opened the meeting at 14:45]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Welcome to the 23rd meeting in 2022 of the Delegated Powers and Law Reform Committee. The first item of business is to decide whether to take item 5 in private. Is the committee content to take item 5 in private?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

14:45

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

Companies Act 2006 (Scottish public sector companies to be audited by the Auditor General for Scotland) (No 2) Order 2022 [Draft]

Scottish Biometrics Commissioner Act 2020 (Code of Practice) (Appointed Day) (Scotland) Regulations 2022 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

14:46

The Convener: Under item 3, we are considering seven instruments. Issues have been raised on two of the instruments for breach of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, which requires that instruments subject to the negative procedure must be laid at least 28 days before they come into force, not counting recess periods of more than four days.

Non-Commercial Movement of Pet Animals (Scotland) Amendment (No 2) Regulations 2022 (SSI 2022/262)

The Convener: The first instrument that is in breach of the 2010 act is made under powers in Council regulation 576/2013 of the European Parliament and of the Council, on the non-commercial movement of pet animals. The regulations amend annex 4 to that Council regulation, which sets out the validity requirements for rabies antibody titration tests on pet dogs, cats and ferrets that are moved into Great Britain. The amendments extend the ability of Scottish ministers, from 1 October 2022 to 1 April 2023, to authorise an alternative test that has a faster turnaround time of two to three days.

The instrument breaches the 2010 act, as it was laid on 31 August and will come into force on 1 October 2022. In correspondence with the Presiding Officer, the Scottish Government explained that the need to extend the ability to administer the alternative test beyond 1 October 2022 became apparent during the summer recess. The extension is also being brought into force at the same time in England and Wales, in order to ensure that there is no disruption to the operational delivery of the work and the best use of quarantine facilities throughout Great Britain.

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? At the same time, is the committee content with the explanation that the Scottish Government has provided for the breach of the laying requirements?

Members indicated agreement.

Food Information (Transitional Provisions) (Miscellaneous Amendments) (Scotland) Regulations 2022 (SSI 2022/265)

The Convener: The second instrument that is in breach of the 2010 act extends the effect of food

labelling transitional provisions until the end of 2023. The transitional provisions were due to expire at the end of September 2022.

The instrument breaches the 2010 act, as it was laid on 5 September and will come into force on 30 September 2022. In correspondence with the Presiding Officer, the Scottish Government explained that it was unable to comply with the laying requirements because of the timing of the announcement from the United Kingdom Government that the import controls on goods from the European Union to Great Britain were to be delayed from July 2022 until the end of 2023.

The Scottish Government also explained that it was necessary to breach the 28-day rule so that the transitional provisions would be extended beyond 30 September as intended, and therefore that labelling requirements remain in line with those in England and Wales.

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? At the same time, 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 item, no points have been raised on the following instruments.

Sports Grounds and Sporting Events (Designation) (Scotland) Amendment (No 2) Order 2022 (SSI 2022/263)

Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2022 (SSI 2022/264)

Judicial Appointments Board for Scotland (Membership) Modification Order 2022 (SSI 2022/268)

Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (No 2) (Scotland) Regulations 2022 (SSI 2022/271)

Council Tax (Exempt Dwellings) (Scotland) Amendment (No 2) Order 2022 (SSI 2022/272)

The Convener: Is the committee content with the instruments?

Members indicated agreement.

Instruments not subject to Parliamentary Procedure

14:50

Meeting continued in private until 15:18.

14:50

The Convener: Under item 4, we are considering two instruments, on which no points have been raised.

Local Electoral Administration and Registration Services (Scotland) Act 2006 (Commencement No 7) Order 2022 (SSI 2022/266 (C 13))

Registration of Births, Still-births and Deaths (Prescription of Forms and Attestation) (Miscellaneous Amendment) (Scotland) Regulations 2022 (SSI 2022/267)

The Convener: Is the committee content with the instruments?

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.

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

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba