

LOCAL GOVERNMENT COMMITTEE

Tuesday 26 March 2002
(*Afternoon*)

Session 1

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LOCAL GOVERNMENT COMMITTEE

9th Meeting 2002, Session 1

CONVENER

Trish Godman (West Renfrewshire) (Lab)

DEPUTY CONVENER

*Dr Sylvia Jackson (Stirling) (Lab)

COMMITTEE MEMBERS

*Mr Keith Harding (Mid Scotland and Fife) (Con)

*Tricia Marwick (Mid Scotland and Fife) (SNP)

*Iain Smith (North-East Fife) (LD)

*Elaine Thomson (Aberdeen North) (Lab)

*Ms Sandra White (Glasgow) (SNP)

*attended

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Irene Fleming

ASSISTANT CLERK

Neil Stewart

LOCATION

Committee Room 4

Scottish Parliament

Local Government Committee

Tuesday 26 March 2002

(Afternoon)

[THE DEPUTY CONVENER *opened the meeting at 14:02*]

Items in Private

The Deputy Convener (Dr Sylvia Jackson): I welcome everyone to the meeting. We have apologies from the convener, Trish Godman, who cannot be with us, unfortunately. Does the committee agree to take agenda items 3 and 4 in private?

Members *indicated agreement.*

Subordinate Legislation

The Deputy Convener: We will consider four instruments that are subject to the negative procedure. The instruments were circulated to members on Monday 18 March.

Non-Domestic Rate (Scotland) Order 2002 (SSI 2002/89)

The Deputy Convener: The Subordinate Legislation Committee's report on the Non-Domestic Rate (Scotland) Order 2002 has been included with members' papers. That committee did not consider that the attention of the Parliament needed to be drawn to the instrument. No motions to annul have been lodged and no other action can be taken on the instrument. Are we agreed that the committee has no recommendation to make on the order?

Members *indicated agreement.*

The Deputy Convener: Before I move on to the second instrument, I welcome Elaine Thomson, who is the new member of the committee.

Elaine Thomson (Aberdeen North) (Lab): Thank you, convener. I apologise for my tardy arrival. I will try to do better in future.

The Deputy Convener: Excellent.

Non-Domestic Rates (Levying) (Scotland) Regulations 2002 (SSI 2002/91)

The Deputy Convener: The Subordinate Legislation Committee draws this committee's attention to the Non-Domestic Rates (Levying) (Scotland) Regulations 2002 on the ground of defective drafting. Regulation 2 contains a definition of "the 2000 Regulations" but there is no reference in the regulations to the 2000 regulations. The Executive's response indicates that that is a mistake—we may not hear such an admission again—but that the mistake should not prejudice the practical operation of the regulations. No motions to annul have been lodged and no other action can be taken on the instrument. I can see Tricia Marwick and Sandra White trying to catch my eye.

Tricia Marwick (Mid Scotland and Fife) (SNP): The Executive has acknowledged the imperfect drafting and I am grateful for the assurance that the mistake will have no practical effect on the instrument. However, will the Executive correct the imperfect drafting before the instrument comes into force?

The Deputy Convener: As I understand it, that will not be necessary. Is that correct, Eugene?

Eugene Windsor (Clerk): Yes, that is correct.

The Deputy Convener: The mistake does not affect the instrument in any way.

Tricia Marwick: I accept the Executive's assurance that the mistake does not affect the instrument but, when there is acknowledgement of imperfect drafting, there is surely a requirement on the Executive to go away and perfect the imperfections.

The Deputy Convener: Eugene Windsor informs me that, in order to do that, the Executive would have to take the instrument out of the system, so to speak, and redraft it. That would clearly take time. Because the mistake does not have any effect, our recommendation—and indeed that of the Subordinate Legislation Committee—is that the instrument can go through as it is.

Tricia Marwick: Would it be possible for the Local Government Committee to point out to the Executive that, like the Subordinate Legislation Committee, we would like the drafting to be a bit more perfect in future?

The Deputy Convener: Eugene Windsor points out that, in its report on the instrument, the Subordinate Legislation Committee states that

“in the Executive's view,”

the mistake

“should not prejudice the practical operation of the Regulations. Accordingly, the Executive does not propose to take any steps ... However, the Executive will bear the point in mind in the event of any other proposals to amend the Regulations in future.”

If you want, Tricia, I will take the matter further.

Tricia Marwick: No, that is fine.

The Deputy Convener: Sandra?

Ms Sandra White (Glasgow) (SNP): My point was exactly the same as Tricia Marwick's and you have clarified it.

The Deputy Convener: Are there any other points? I tell you, I always have a hard time when I take the convener's chair.

Tricia Marwick: Hard time? That was nothing.

Mr Keith Harding (Mid Scotland and Fife) (Con): It is because you are too nice.

The Deputy Convener: If there are no further comments, are we agreed that the Local Government Committee has no recommendation to make on the regulations?

Members indicated agreement.

Council Tax (Exempt Dwellings) (Scotland) Amendment Order 2002 (SSI 2002/101)

The Deputy Convener: The Subordinate Legislation Committee did not consider that the attention of the Parliament need be drawn to the Council Tax (Exempt Dwellings) (Scotland) Amendment Order 2002. No motions to annul have been lodged and no other action can be taken on the instrument. If there are no comments, are we agreed that the Local Government Committee has no recommendation to make on the order?

Members indicated agreement.

Council Tax (Dwellings and Part Residential Subjects) (Scotland) Amendment Regulations 2002 (SSI 2002/102)

The Deputy Convener: Finally, we come to the Council Tax (Dwellings and Part Residential Subjects) (Scotland) Amendment Regulations 2002. The Subordinate Legislation Committee again did not consider that the attention of the Parliament need be drawn to the instrument. No motions to annul have been lodged and no other action can be taken on the instrument. If there are no comments, are we agreed that the Local Government Committee has no recommendation to make on the regulations?

Members indicated agreement.

14:09

Meeting continued in private until 15:34.

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