

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 9 November 1999  
*(Morning)*

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### SUBORDINATE LEGISLATION COMMITTEE

#### 10<sup>th</sup> Meeting

##### CONVENER :

\*Mr Kenny MacAskill (Lothians) (SNP)

##### COMMITTEE MEMBERS :

\*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

Trish Godman (West Renfrewshire) (Lab)

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)

\*Bristow Muldoon (Livingston) (Lab)

\*David Mundell (South of Scotland) (Con)

Ian Welsh (Ayr) (Lab)

\*attended

##### COMMITTEE CLERK :

Alasdair Rankin

##### ASSISTANT CLERKS :

Claire Menzies

Anne Peat



## Scottish Parliament

### Subordinate Legislation Committee

*Tuesday 9 November 1999*

*(Morning)*

[THE CONVENER *opened the meeting at 11:16*]

**The Convener (Mr Kenny MacAskill):** I have received apologies from Trish Godman, Ian Welsh and Ian Jenkins. Unfortunately, this morning's meeting clashes with other committee meetings.

We have a short agenda. We will look first at the Executive responses that have been received.

#### **Plant Health (Scotland) Amendment (No. 2) Order 1999 (SSI 1999/129)**

**The Convener:** We have had the benefit of a legal briefing on this order. We note that consolidation is planned. Are there any comments?

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I am pleased that the Executive has agreed that consolidation is necessary, which undoubtedly marks the first great victory for this committee in persuading the Executive to act correctly.

**The Convener:** We note the Executive's response.

#### **Wafer Scottish Seal Directions 1999 (SSI 1999/130)**

**The Convener:** The second response before us is on the Wafer Scottish Seal Directions 1999. We have received an explanation. Our position is that the Executive has not yet sufficiently addressed the poor drafting of the order. Are there any comments in the light of the informal briefing that we had earlier?

**David Mundell (South of Scotland) (Con):** Given our commitment to quality, we should draw the Parliament's attention to the defective drafting of the instrument, which will, I hope, lead to success similar to that achieved on the previous order.

**Fergus Ewing:** The Executive's response acknowledges that it was unnecessary to include a definition of the wafer Scottish seal in the statutory instrument. Having said that a definition is unnecessary in paragraph 3, however, it goes on to argue in paragraph 4 that a definition is necessary. It would appear that the Executive has

given us a wafer waffle report. I therefore agree with David Mundell—in the spirit of cross-party co-operation—that we should draw the matter to the Parliament's attention.

**The Convener:** Are we all agreed?

**Members indicated agreement.**

#### **Public Finance and Accountability (Scotland) Bill**

**The Convener:** The second item on our agenda is the Public Finance and Accountability (Scotland) Bill. We will deal with this item in two parts.

A letter has been received from Tom McCabe, copies of which I have been able to circulate only this morning. Does the committee agree to my moving the amendment to the bill at this afternoon's meeting of the Audit Committee? Views on that have been canvassed. We agreed that it would allow matters to progress—depending, of course, on the view that the Audit Committee takes—and that it would ensure that this committee's perspective was represented. Are members agreed?

**Members indicated agreement.**

**The Convener:** Secondly, as we have discussed, there is a procedural problem that we must try to work round. We can level no criticism at the direction in which Tom McCabe is heading. Are members agreed that we should prepare and send a letter to the Procedures Committee, which it will then be able to consider next week?

**Bristow Muldoon (Livingston) (Lab):** I think that every member of the committee agrees with the point that Tom McCabe makes in his letter about statutory instruments not being laid and about the need to ensure that we have the broader power to scrutinise instruments. I agree, therefore, that a letter should be sent that reflects those sentiments.

**The Convener:** If both this committee and Tom McCabe write letters, some pressure should be brought to bear on the Procedures Committee.

That concludes today's business, if not in record time, then not far from it.

*Meeting closed at 11:20.*



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