

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 25 January 2000
(Morning)

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SUBORDINATE LEGISLATION COMMITTEE

3rd Meeting 2000 (Committee Room 3)

CONVENER :

*Mr Kenny MacAskill (Lothians) (SNP)

DEPUTY CONVENER :

*Ian Jenkins (Tw eeddale, Ettrick and Lauderdale) (LD)

COMMITTEE MEMBERS :

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

Trish Godman (West Renfrew shire) (Lab)

*Bristow Muldoon (Livingston) (Lab)

*David Mundell (South of Scotland) (Con)

*attended

COMMITTEE CLERK :

Alasdair Rankin

ASSISTANT CLERKS :

Claire Menzies

Anne Peat

Scottish Parliament

Subordinate Legislation Committee

Tuesday 25 January 2000

(Morning)

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

Executive Response

The Convener (Mr Kenny MacAskill): The first item on today's agenda is the Executive's response to points raised by the committee about the Shetland Islands Regulated Fishery (Scotland) Order (SSI 1999/194). There has been a protracted period during which correspondence on the matter has been sent back and forth. Do members wish to comment on the terms of the correspondence?

Members *indicated disagreement.*

The Convener: There are some doubts about whether the tolls provision in the instrument is within vires. There are also doubts about cross-referencing and dates. The committee should, perhaps, draw those doubts to the attention of the Rural Affairs Committee. Individual members might also mention the matter to colleagues. I will certainly have a word with the convener of that committee to see whether matters can be resolved with a bit of prodding and pushing, as we have done successfully in relation to regulations on legal aid provision, which went before the Justice and Home Affairs Committee.

David Mundell (South of Scotland) (Con): That approach has much to recommend it.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I would like to mention that in the legal briefing there are issues relating to, among other things, joint ownership, which could be brought to the Rural Affairs Committee's attention.

The Convener: We should draw as much as possible of what we are dissatisfied with in relation to the instrument to that committee's attention.

Census (Scotland) Order (SSI 2000/Draft)

The Convener: We move to the next item on the agenda. Do members have any comments? Some minor matters might be perplexing, and we should draw those to the Executive's attention, as

we have in the past.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): The instrument that is before the committee is subject to extremely unusual procedure. I understand from the briefing that we have received, that some of the articles are subject to the familiar draft affirmative procedure, while others are subject to the rare draft negative procedure. That means that some of the articles can be amended and some cannot. Might it be appropriate to ask the Executive whether it will, in future, find a means of removing that rather arcane and abstruse procedure in favour of one that is more simple?

I am also slightly concerned to note that, despite the estimated cost of the census exercise of £23 million, there does not seem to be a question about the Scots language included in the census order. That is not a direct concern of the committee, but it is of concern to a number of campaigners; a question about Gaelic speakers will be included. I am concerned that the abstruse nature of the procedure might hamper the efforts of those who want the draft statutory instrument to be amended so that it is not too late to include a question in the census about the Scots language.

I hope that the complexity of the procedure will not be used to prevent campaigners on the Scots language from trying to persuade the Executive to think again on the matter.

Bristow Muldoon (Livingston) (Lab): As the Scottish Parliament has just been established, this would have been a good opportunity to have an overall look at census procedures, some of which seem to be rather arcane. It would be sensible to take an opportunity to overhaul the census process before the next one, despite the fact that the next one will not be for 10 years.

Serious consideration should be given to the questions that have been raised by Fergus Ewing, but another major issue on which questions have been raised is whether questions on religion should be included in the census. The Executive must consider such issues.

The Convener: We will write to the Executive on those points so that the committee can try to be of assistance with this and future census orders.

Scotland Act 1998 (Transitory and Transitional Provisions) (Appropriations) Amendment (Scotland) (SSI 2000/Draft)

The Convener: No points have been raised in relation to this draft instrument.

Seeds (Fees) (Scotland) Regulations (SSI 2000/1)

The Convener: It appears that there are problems with this instrument.

Bristow Muldoon: There is an inconsistency in the instrument in that the second column of schedules 1 to 5 is blank. It might be that the Executive's intention is that the heading of column 2 in each schedule should apply to all the items underneath it. It is not clear, however, whether that is the intention. Schedule 6 shows when all charges are payable, but questions could be raised about when any of the charges mentioned in schedules 1 to 5 should be paid, because that information is not recorded against the individual charges that are listed. There is no indication that the headings are meant to apply to all the charges. We should draw that to the Executive's attention—it is something that I imagine it would wish to amend and clarify before the instrument is finally approved.

Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order (SSI 2000/7)

The Convener: A couple of minor matters were raised prior to this meeting that can be dealt with in the agreed fashion and without making a formal report.

Potatoes Originating in Egypt (Amendment) (Scotland) Regulations (SSI 2000/8)

The Convener: No points have been raised about this instrument and the committee need make no adverse comment.

Budget (Scotland) Bill

The Convener: This is the final matter on the agenda. It is being debated tomorrow—in terms of standing orders—and the committee is not required to report on it at this stage. The legal advisers have given us a preliminary view, but it would be better to leave the matter until next week when we can hear a full report. It is not, however, anticipated that there will be any matters arising.

As there is no more business, the meeting is concluded.

Meeting closed at 11:23.

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