

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 15 February 2000  
*(Morning)*

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## **SUBORDINATE LEGISLATION COMMITTEE**

**6<sup>th</sup> Meeting 2000, Session 1**

### **CONVENER**

\*Mr Kenny MacAskill (Lothians) (SNP)

### **DEPUTY CONVENER**

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

### **COMMITTEE MEMBERS**

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

\*Trish Godman (West Renfrewshire) (Lab)

\*Bristow Muldoon (Livingston) (Lab)

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

\*attended

### **CLERK TEAM LEADER**

Alasdair Rankin

### **ASSISTANT CLERKS**

Claire Menzies

Anne Peat

### **LOCATION**

Committee Room 3



## Scottish Parliament

### Subordinate Legislation Committee

*Tuesday 15 February 2000*

*(Morning)*

[THE CONVENER *opened the meeting at 11:15*]

#### Standards in Scotland's Schools etc Bill

**The Convener (Mr Kenny MacAskill):** Good morning. The first matter on the agenda is the somewhat tetchy letter of response from the Executive to the committee's comments on the Standards in Scotland's Schools etc Bill. Do any members wish to comment on the two matters that were given particular mention?

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I will take the first point in the brief first, convener. At our last meeting the question was raised as to why the Executive has included in section 50 a wide-ranging and sweeping power to require the General Teaching Council for Scotland to form committees other than statutory committees. That power would also allow the Executive to determine or influence the composition of such committees. Such powers are rather unusual and have not existed previously in relation to the GTC. There is no obvious explanation for why those powers were sought. The committee, therefore, decided to ask why they were being sought, given that they would allow the Executive to exercise a wide range of controls over the GTC.

The reply that we have received is rather more obfuscatory than explanatory. It would be helpful if the Executive could take seriously the inquiry—it is a genuine request for information. In its response, the education department says that the interests of the public must be taken account of, but I think that that should be axiomatic for all legislation. That comment does not, therefore, advance the department's case much.

There is also reference to a report from consultants. That is fine—I suppose I could ask a parliamentary question about that. I might do so to find out exactly what the consultants said. Have those consultants recommended that specific committees be formed? The provision might have simple, straightforward, understandable and worthy purposes, but it would be helpful if—before the bill goes before the Education, Culture and

Sport Committee—we could winkle out of the Executive exactly what it has in mind. If we cannot, those of us who are of a suspicious frame of mind might feel that the message to GTC is “big brother is watching you and we are going to reserve wide-ranging and sweeping powers to require you to toe the line at some unspecified date.” I am sure that all members would condemn that as undesirable.

**David Mundell (South of Scotland) (Con):** On part 2 of the Executive's response, the committee must be surprised at the level at which the Executive education department becomes amazed. If the Executive is so amazed that the committee raised the issue of the Henry VIII clause, we must be concerned about the Executive's health following the result of the match between Celtic and Inverness Caledonian Thistle. We must make it clear that it is the committee's purpose to raise such issues. While the Executive's intention might well be unexceptionable and not in the least sinister, the committee must make it clear that primary legislation should not be amended as is suggested unless there are good reasons. It is perfectly legitimate for the committee to question the Executive's reasons for including the power. It is reasonable that we should continue to indicate that we do not approve of such provisions unless there is good reason for them and that we will not expect them to be so amazed at our doing so in future.

**Trish Godman (West Renfrewshire) (Lab):** I agree with everything that David said, apart from his comments about Celtic.

I thought that the language that the Executive used was amazing. It is interesting language to use in the circumstances. If it is considered that dates are important enough to be endorsed by Parliament, then the same should be true for amended dates.

**Fergus Ewing:** I agree with David, except that I did not understand his remarks about the Celtic result. I do not see what was so surprising about it.

**Trish Godman:** Objection.

**Ian Jenkins (Tweeddale, Etrick and Lauderdale) (LD):** I am amazed. [*Laughter.*]

**The Convener:** We will draw those points to the attention of the Education, Culture and Sport Committee. It appears to this committee that the provision constitutes a Henry VIII power. The Executive might be amazed to think that that is what the committee feels, but that is for the Executive to decide. We will reply to the education department expressing regret at the tenor of its letter.

**Local Government Finance (Scotland)  
Order 2000 (2000/Draft)**

**The Convener:** No points arise regarding the instrument and there is no action that the committee is required to take.

**National Health Service (Vocational  
Training for General Practice)  
(Scotland) Amendment Regulations  
2000 (SSI 2000/23)**

**The Convener:** No points arise regarding the National Health Service (Vocational Training for General Practice) (Scotland) Amendment Regulations 2000 (SSI 2000/23), which is a negative instrument and is not subject to parliamentary control.

**Food Protection (Emergency  
Prohibitions) (Amnesic Shellfish  
Poisoning) (West Coast) Partial  
Revocation (No 4) (Scotland) Order  
2000 (SSI 2000/24)**

**The Convener:** No points arise regarding the instrument and the committee need take no action.

*Meeting closed at 11:20.*

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