

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 2 May 2000  
*(Morning)*

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## SUBORDINATE LEGISLATION COMMITTEE

### 14<sup>th</sup> Meeting 2000, Session 1

#### 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 Renfrewshire) (Lab)

\*Bristow Muldoon (Livingston) (Lab)

David Mundell (South of Scotland) (Con)

\*attended

#### CLERK TEAM LEADER

Alasdair Rankin

#### ASSISTANT CLERKS

Alistair Fleming

Anne Peat

#### LOCATION

Committee Room 3



## Scottish Parliament

### Subordinate Legislation Committee

Tuesday 2 May 2000

(Morning)

[THE CONVENER opened the meeting at 10:16]

**The Convener (Mr Kenny MacAskill):** Good morning and welcome to the 14<sup>th</sup> meeting of the Subordinate Legislation Committee. I am grateful to Ian Jenkins for coming in at short notice from the Education, Culture and Sport Committee to ensure that we are quorate.

### National Parks (Scotland) Bill

**The Convener:** The first item on the agenda is the delegated powers scrutiny of the National Parks (Scotland) Bill. Given that we are missing some members who have shown considerable interest in this matter, it may be worth while holding over our discussion until next week, if everyone is agreeable. We still have time to deal with the matter next week.

**Members indicated agreement.**

### Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2000 (SSI 2000/Draft)

**The Convener:** The next item on the agenda is responses from the Executive. The first response concerns the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2000, on which we asked about consultation. We have received a reply, but I am not sure whether we regard it as satisfactory. Our raising of the matter was rather tongue in cheek. Do we wish to take this any further?

**Bristow Muldoon (Livingston) (Lab):** No. I think we accept the reply. We asked the question because of the reference to consulting a Scottish Executive body, but we would accept that there is no statutory requirement to consult.

**The Convener:** But it was worth our raising the matter in the first place.

**Bristow Muldoon:** Yes.

### Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2000 (SSI 2000/96)

**The Convener:** We raised a point about lack of detail, and we have been told that more detailed regulations will be forthcoming. I think it is perceived that that is acceptable. Are we agreed?

**Members indicated agreement.**

### Radioactive Substances (Basic Safety Standards) (Scotland) Regulations 2000 (SSI 2000/100)

**The Convener:** We sought an explanation regarding the use of negative procedure. An explanation has been given. Are we happy with the explanation?

**Members indicated agreement.**

### Repayment of Student Loans (Scotland) Regulations 2000 (SSI 2000/110)

**The Convener:** We raised questions regarding the powers to instruct the Inland Revenue, which are, obviously, reserved. We received a fairly full response, but the causal link, or chain, that allows those powers does not appear to have been clarified. We are of the view, as are those who advise us, that there are certainly restrictions as to whether this ties in or matches up. Does anyone have any comments? If not, we will put the order to the lead committee with the point that we are not satisfied that those powers are in existence.

**Bristow Muldoon:** Given the legal advice that we have received, it would be appropriate for us to draw the anomaly to the attention of the lead committee, which may decide that it would be useful to question representatives of the Scottish Executive on the issue before reaching a final conclusion.

**The Convener:** I am with you on that, Bristow. I would have no objection to having direct access to the powers of the Inland Revenue, given my political persuasion. [Laughter.] However, as I am wearing the hat of committee convener, perhaps we should find out how it is proposed to tie up those powers with the Scotland Act 1998.

### **Census (Scotland) Amendment Order 2000**

**The Convener:** The next item on the agenda is the Census (Scotland) Amendment Order 2000, on which no points arise.

### **Divorce etc (Pensions) (Scotland) Regulations 2000 (SSI 2000/112)**

**The Convener:** The next item on the agenda is negative instruments, the first of which is SSI 2000/112. Apart from some minor typos that we will deal with in the usual way, no points arise.

### **Welfare Reform and Pensions Act 1999 (Scotland) (Commencement No 6) Order 2000 (SSI 2000/111)**

**The Convener:** The next item on the agenda is items not subject to parliamentary control. No points arise on SSI 2000/111, apart from some minor linguistic matters that can be dealt with in the usual manner.

### **National Health Service Trusts (Originating Capital) (Scotland) Order 2000 (SSI 2000/113)**

**The Convener:** Again, no points arise on SSI 2000/113.

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (No 2) (Scotland) Revocation Order 2000 (SSI 2000/118)**

**The Convener:** No points arise on SSI 2000/118, apart from the fact that the order was laid before Parliament without the necessary letter to the Presiding Officer having been received. Perhaps we could remind those concerned of the importance of following that practice.

That concludes our business, and allows Ian Jenkins, to whom we are grateful, to return to the Education, Culture and Sport Committee.

*Meeting closed at 10:20.*

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