

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 5 September 2000
(Morning)

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SUBORDINATE LEGISLATION COMMITTEE

24th 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

THE FOLLOWING ALSO ATTENDED:

Jocelyn Davies AM

Michael German AM

Dr David Lloyd AM

CLERK TEAM LEADER

Alasdair Rankin

ASSISTANT CLERKS

Ruth Cooper

Alistair Fleming

LOCATION

Committee Room 3

Scottish Parliament

Subordinate Legislation Committee

Tuesday 5 September 2000

(Morning)

[THE CONVENER *opened the meeting at 11:17*]

The Convener (Mr Kenny MacAskill): Welcome to the first meeting of the new parliamentary year. We have a rather busy schedule, so I hope that everybody is refreshed. We welcome our visitors from the National Assembly for Wales.

Regulation of Investigatory Powers (Scotland) Bill

The Convener: The first item on the agenda is the delegated powers scrutiny of the Regulation of Investigatory Powers (Scotland) Bill. We have made various points on this previously. Does anyone want to comment on the response that we have had from the Executive? We are up against a deadline as the bill is going through Parliament shortly.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I am prepared to welcome the fact that many of the points that were made have been accepted by the Executive. However, perhaps the most important point has not been accepted and it is one that must be raised. Under section 5(4), there are delegated powers by which the Scottish ministers may effectively add public authorities to those listed in section 5(3). The ministers also have powers to remove a public authority from the list and make any change consequent on a change in the name of a public authority.

What does that mean and why is it important? It means that the Executive has powers to add public bodies, which would presumably include non-departmental organisations—perhaps better known as quangos. Senior people in such quangos would, by virtue of section 5(1), be able to grant authority for directed surveillance of people and the covert use of human intelligence sources—I gather that the latter term means a type of surveillance that is done without anyone being aware of it, which might seem to be self-evident. To clarify with an example, that means that if a water authority—such as North of Scotland Water Authority in my area—were given those powers, it could put a surveillance order on people who are not paying their bills, perhaps

people who cannot pay because they do not have the money and are not entitled to any rebate or relief.

Powers exist by which powers of surveillance can be passed over to unelected quangos for reasons that have not been specified. And it gets worse: under section 3(3)(d) and section 4(3)(d), there are provisions for the Executive to state that the two types of surveillance order—directed surveillance and covert use of human intelligence sources—can be used for purposes that have not yet been specified.

To a greater or lesser extent, we would all recognise the principle that surveillance can legitimately be used to protect the public against crime and disorder and to ensure public safety. However, is it acceptable for the Executive to be able to say that other purposes that have not been set out in the bill can simply be added on and for such powers to be handed to unelected bodies such as quangos, which might use them in relation to debt collection, for example?

If the Executive thinks that it is acceptable for quangos to be given those powers, why has it not given a list of those authorities? The Executive has had a long time in which to do so during the two stages of debate that we have had. The bodies in question are self-evident. The question is, will a water authority be given powers under this bill or not? If it is, for what purposes will it be given the powers? In an open democracy, the public are entitled to know what sort of surveillance powers will be available to such bodies.

It is not common for a member of the Scottish National Party to praise the House of Lords for any reason, but the 21st report of the Select Committee on Delegated Powers and Deregulation reaches a conclusion similar to mine. It states:

“The Committee cannot see why it is not possible to produce exhaustive lists now of existing authorities which are to have these investigatory powers.”

There is a television programme called “Big Brother” and sometimes we feel that Big Brother is watching us. This bill, however, says that Big Brother will give powers to quangos to watch us in future for purposes that the Government is not prepared to specify. That is outrageous and I am astonished that the Executive has not shown the good grace that it has shown in other respects. I hope that other members will realise that the arguments for redrafting the provisions before the bill becomes law are strong. The situation is serious because, unless the Executive is prepared to act, the bill will become law after the stage 3 debate on Thursday.

Bristow Muldoon (Livingston) (Lab): Fergus

Ewing is making rather more out of this than actually exists. The authorities that are being given the powers to start with are defined in section 5(3). Additional bodies can be added only after an affirmative resolution of the Scottish Parliament. If members of the Scottish Parliament thought that inappropriate bodies were being given the powers, the move could be blocked. I would point out that the bill proposes that certain quangos, such as health boards, be given the powers.

It is absolutely correct that there should be scrutiny of which organisations are being given the powers but the bill allows that scrutiny to take place through the need for an affirmative resolution of the Scottish Parliament.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I would accept some of the logic behind what Fergus Ewing is saying if he did not express it in such a paranoid way. He has overstated the case.

The Convener: Like Fergus Ewing, I welcome the Executive's position as laid out in sections 9(2)(c) and 23(1). I also welcome the fact that there has been some give on the question of moving from a negative procedure. The powers are doubtless necessary in the modern society in which we live. Following my discussions with the chief constable of Lothian and Borders police, I accept that they are used sparingly. However, I think that democratic scrutiny of the number of organisations that have those powers should be possible. To some extent, this is a matter of checks and balances between the power of the Executive and the right to limit and restrict that power.

Like Fergus Ewing, I support the conclusions of the House of Lords Select Committee on Delegated Powers and Deregulation. I do not understand why an exhaustive list cannot be provided. If there are to be amendments, it is debatable whether subordinate legislation is applicable. In view of the restriction on debate, I worry that an affirmative resolution procedure might not be adequate.

Bristow, how do you feel about making the committee's position that, although the committee welcomes some changes, some members also welcomed the position of the House of Lords select committee on the matter while others took the view that the Executive's concession was sufficient? We could then leave the matter to Parliament and the lead committee.

Bristow Muldoon: That is an accurate summary.

The Convener: I do not think that we will reach a consensus. However, we can flag up that Fergus Ewing, Ian Jenkins and I share concerns that others have raised elsewhere, and that other

members accept the Executive's position, and leave it to others to take their view on the matter.

Fergus Ewing: It would be more effective if we could express a view as a committee. In an attempt to reach some consensus, I ask the rest of the committee whether the logic of the House of Lords report is clear: that there is no real reason why it is not possible to produce a list of existing authorities now. Obviously, as the bill is part of the Executive's business programme, it has given great thought to the legislation and must have a fair idea about which bodies should or should not have these powers, especially as we are going through the principal stage 1 and stage 3 debates in Parliament. I raised one example, which I should point out was not meant to be particularly paranoid—I do not believe that the whole world is against me. However, there are other public bodies such as the Inland Revenue, various enterprise companies and health boards. Is it not possible for the Executive to make a fairly good stab now at saying which bodies should be given these very serious powers of surveillance? Could we not reach that view as a committee without making the other criticisms to which I adverted in my opening remarks?

Ian Jenkins: The trouble is that a fairly good stab is not good enough. Will Fergus suggest a definitive list during the debate on Thursday?

Fergus Ewing: I am not the Executive.

Ian Jenkins: I know that, but I am suggesting that to make such a list is not as easy as you would think.

Fergus Ewing: The Executive should be able to produce this information now, and I have not really heard any logical response from the rest of the committee about why it should not do so. In fact, the contrary is the case. Because the Executive has done so much work on the bill, it must know which bodies should be invested with these powers and should be able not just to make a good stab, but supply us with an exhaustive, definitive list now. Convener, I am sorry to labour the point, because I know that we have a long agenda ahead of us; however, I am interested in the Executive's logical response to that argument. What is its reason for saying that it cannot or will not provide such a list now?

Bristow Muldoon: It seems to me that section 5(3) of the bill defines the bodies that the Executive feels should have these powers here and now. I think that Fergus Ewing is asking the Executive to rule out any other bodies that, for whatever just reason, might be added to the list in future. We cannot rule out what we do not yet know.

Fergus Ewing: The logical response to that argument is to invite the Executive to confirm that,

under section 5(3), the Executive has made a list of all the bodies that it currently envisages should be invested with these powers. The Executive's response would deal directly with Bristow's point.

Bristow Muldoon: It would be entirely appropriate for members to put that question to ministers during Thursday's debate. However, that is the way that I interpret section 5(3).

David Mundell (South of Scotland) (Con): It is essential to raise this issue during Thursday's debate on the bill. It is serious and should not be passed over. I have great sympathy with Fergus Ewing's comments, even though I share Ian Jenkins's view about how they were expressed. I hope that the committee can reach a view that highlights the issues to allow Parliament to reach a decision on them, so that the matter does not just go through without a full discussion of the pros and cons.

I am sure that the Executive must have something in mind. Part of this committee's remit is to ensure that powers are not so wide that the Executive can implement legislation without having a clear view of what that legislation will achieve. We should attempt to ensure that Fergus's question is asked during the debate and that ministers respond to it. Parliament might then judge that provision is adequate.

Ian Jenkins: We could tell the Executive today that the committee believes that a serious question has to be considered, so that ministers can make their position clear by Thursday. We would have liked longer to discuss the issue, so that the Executive could have had longer to consider it.

11:30

The Convener: I can see why an Executive would not want a definitive list. However, it is the duty of those in the legislature to anticipate dealing with both good and bad Executives. Although I appreciate that no one wants a situation in which primary legislation is needed to give these particular powers to any new authority that might be created, these powers are fairly draconian and I would welcome some balance. There might be an Executive that was not so judicious, fair-minded and impartial. An affirmative instrument should not go through simply on a whim or a fancy.

Bristow, I do not know whether you have been persuaded by any of our arguments, or whether you would prefer us simply to make the points that have been raised round the table: that we welcome what the Executive has conceded; flag up the fact that several members are deeply cognisant of the concerns of the House of Lords Select Committee on Delegated Powers and Deregulation; and leave the matter for others to

decide on.

Bristow Muldoon: I have not been particularly persuaded by any arguments. Your initial summary about recognising different strands of opinion within the committee would be more appropriate.

Trish Godman (West Renfrewshire) (Lab): To be honest, after reading the legal advice, I was a little unsure about the situation at the start of the meeting. However, I have listened to the arguments and must agree with Bristow. We should flag up committee members' concerns and be aware of the matter when it is debated on Thursday. I have horrible memories of the Local Government Committee being hit with 100-odd devolved public bodies that had to be added to a list; it became a total nightmare. That said, I accept that this situation is quite different.

Section 5(3) contains a reasonably good list. I am sure that the Executive considered it and decided, at least initially, that it needed to give these powers to the organisations mentioned. Furthermore, the bill also contains provision for changing the list. Although I take the point about anticipating good and bad Executives, we would need to put that into every piece of legislation. We should flag up our initial comments to the Executive, ensure that the matter is discussed clearly and openly in the Parliament and speak to other members of our parties about whatever reservations we might have.

The Convener: Fergus, I do not think that we will reach consensus on the matter.

Fergus Ewing: Trish Godman says that we should flag up issues of concern. Perhaps we could specifically invite the Executive to clarify, before the stage 3 debate on Thursday, whether it has other bodies currently in mind for the list and to specify them. That would go a long way towards dealing with my points.

The Convener: I understand that the Executive might do that in the course of the debate; however, we could certainly flag up the issue before then. Are Bristow Muldoon and Trish Godman happy with that?

Members indicated agreement.

Processed Cereal-based Foods and Baby Foods for Infants and Young Children Amendment (Scotland) Regulations 2000 (SSI 2000/214)

The Convener: The second matter on the agenda is Executive responses. The advice on this instrument is simply to thank the Executive for its response and to draw its explanation to the

Parliament's attention.

**Suckler Cow Premium Amendment
(Scotland) Regulations 2000
(SSI 2000/215)**

The Convener: The advice on this instrument is that we have noted the Executive's intention to consolidate in early course and refer the Parliament to the response as having satisfied the committee's initial views.

**Animals and Animal Products (Import
and Export) (Scotland) Regulations
2000 (SSI 2000/216)**

The Convener: Various matters including appeals and the European convention on human rights have been flagged up concerning this instrument, and we have had the benefit of some legal advice.

Fergus Ewing: Although I welcome the Executive's willingness to deal with our first point by introducing amending legislation, I am certainly concerned that it does not appear to have dealt with the third point that we raised on 4 July. Regulation 28 makes reference to a "right of appeal"; however, our thorough and closely argued legal briefing points out that the statutory instrument sets out no mechanism for appeals. In response, the Executive has said that the appeal would be to someone else within the Administration and is not intended to mean an appeal to an independent tribunal. I assume that the Executive will see the detailed legal briefing. However, the point that struck me most was that, to be compliant with the ECHR there must be a right of appeal to an independent tribunal. If that is not the case, there is no right of appeal.

Whether that is right or wrong, it provides an obvious and strong basis for challenging these regulations. If the Executive does not deal with the matter now, it will rightly be held responsible should the regulations subsequently be challenged on the basis that there is no right of appeal. Our legal advisers have identified this very substantial defect in detail, and I could say much more if time were not against us. I hope that, in its own interests, the Executive will revisit its response to our third point.

Ian Jenkins: Perhaps we should also draw the matter to the attention of the lead committee.

The Convener: We will also draw the attention of the lead committee and the Parliament to the Executive's helpful response to our points about regulation 33(1). Our other points have been satisfactorily dealt with.

**Food Protection (Emergency
Prohibitions) (Paralytic Shellfish
Poisoning) (Orkney) (No 2) (Scotland)
Order 2000 (SSI 2000/222)**

The Convener: The next matter on the agenda is affirmative instruments. No points arise on this instrument.

**Food Protection (Emergency
Prohibitions) (Paralytic Shellfish
Poisoning) (Orkney) (No 3) (Scotland)
Order 2000 (SSI 2000/266)**

The Convener: Unless any member is otherwise minded, we will draw the Executive's attention to the fact that this instrument does not follow the relevant formal procedure set out in statutory instrument procedure.

**Food Protection (Emergency
Prohibitions) (Amnesic Shellfish
Poisoning) (West Coast) (Scotland)
Order 2000 (SSI 2000/267)**

The Convener: No sketch maps have been provided with this instrument. We have said previously that such maps are not necessarily just for our benefit, but for those who fish in the area.

**Food Protection (Emergency
Prohibitions) (Amnesic Shellfish
Poisoning) (West Coast) (No 2)
(Scotland) Order 2000 (SSI 2000/291)**

**Food Protection (Emergency
Prohibitions) (Paralytic Shellfish
Poisoning) (Orkney) (No 4) (Scotland)
Order 2000 (SSI 2000/295)**

The Convener: No points arise on these instruments.

**Prohibition of Fishing with Multiple
Trawls (Scotland) Order 2000
(SSI 2000/226)**

The Convener: We now move on to negative instruments. We have received a variety of legal advice on this instrument. For example, I do not know whether members wish to comment on the definition of a sound.

Trish Godman: I do not know whether that

definition is right or wrong; however, it is reasonable to assume that a sound does not have a coastline. Furthermore, no map has been provided and the words "Fishing with" have been missed out of the title in article 1.

Fergus Ewing: There is also a wrong reference to a regulation; we have been advised that that is a serious defect, so perhaps that should be considered as well.

The Convener: The legal adviser's notes point out that no plan was produced with this order and that we require confirmation that article 46 of Council regulation 850/98 has been complied with. I know that we are anxious to allay the Executive's fears and to make it clear that we do not do things out of cussedness, but I too would be curious to know the definition of a sound and whether it can have a coastline or not. We could perhaps raise that point.

Tetrachloroethylene in Olive Oil (Scotland) Revocation Regulations 2000 (SSI 2000/229)

The Convener: The next item is SSI 2000/229. It has been suggested that we should ask the Executive why section 40(2) of the Food Standards Act 1999 is not referred to. Apart from that, matters appear to be in order.

Education (Student Loans) Amendment (Scotland) Regulations 2000 (SSI 2000/240)

The Convener: There has been a delay with SSI 2000/240.

Fergus Ewing: Could we find out why there has been a delay? We are often told that there has been a delay, but we are rarely told why.

The explanatory note has a reference to "mortgage style loans". It has been indelibly seared on my memory from court experience that the word mortgage has no place in Scots law—standard security or home loan, yes; mortgage, no. I hope that parliamentary draftsmen might bear that in mind—either that or not meet Sheriff David Smith socially.

The Convener: I agree. On the issue in our briefing note of having to wait for the Department for Education and Employment, I would ask whether we are not allowed to move at our own pace. I can see the benefit of acting collectively on cross-border matters, but why should we go at the pace of the slowest ship in the convoy?

Beet Seeds (Amendment) (Scotland) Regulations 2000 (SSI 2000/246)

The Convener: We have had a fairly extensive briefing on SSI 2000/246, which will also relate to our consideration of the other seeds regulations on the agenda.

Trish Godman: It was said that relevant European legislation was slowly being produced. We need to bear that in mind, as that issue will come up in discussion of other instruments that this committee and others will consider. If the problem is being flagged up at this early stage, we need to find out why the relevant information is not on the web and why it takes some time to get it.

There is also a discrepancy in the dates: our briefing notes say that a letter dated 21 July refers to an instrument as having been made on 24 July.

David Mundell: It would certainly be helpful if the Executive produced a table of derivations indicating which directives were being implemented. It would be eminently logical for the Executive to let us know why directives are not being implemented.

The Convener: We should discuss with the Executive the fact that European legislation is not being produced. If a chain of reasoning is not produced that makes it easy for us and our advisers to follow the logic, it makes it very difficult for us to understand decisions that are taken. It is in everybody's interest to work together.

Fergus Ewing: If there is no table of derivations and we cannot understand these regulations, what chance have the many different kinds of farmer who are affected of relating the subordinate legislation in Scotland to the European regulations? They will be completely flummoxed, and perhaps a bit resentful that we have not prodded the Executive. I am glad that we are taking a clear view on this.

Fodder Plant Seeds (Amendment) (Scotland) Regulations 2000 (SSI 2000/247)

The Convener: Matters relating to SSI 2000/247 have already been referred to.

The only other matter that was raised was whether the definition of "official examination" was intended to be disjunctive or conjunctive.

As a former English teacher, Ian, do you have any comment on that?

11:45

Ian Jenkins: I could not possibly comment.

David Mundell: That is why standards are falling.

Cereal Seeds (Amendment) (Scotland) Regulations 2000 (SSI 2000/248)

The Convener: The same general comments apply to those regulations. It is suggested that we should request an explanation of the definition of “certified seed” as it is not referred to in the specified paragraph of the principal regulations.

Oil and Fibre Plant Seeds (Amendment) (Scotland) Regulations 2000 (SSI 2000/249)

Vegetable Seeds (Amendment) (Scotland) Regulations 2000 (SSI 2000/250)

The Convener: In respect of these regulations, it is suggested that we raise the same matters as we did with regard to the Beet Seeds (Amendment) (Scotland) Regulations 2000.

Council Tax (Administration and Enforcement) (Scotland) Amendment (No 2) Regulations 2000 (SSI 2000/261)

The Convener: No points arise in relation to these regulations.

Protection of Wrecks (Designation) (Scotland) Order 2000 (SSI 2000/287)

The Convener: The only matter to arise from this order was the fact that there is no map. I do not know whether that is a deliberate omission. Some people dive for fun—I am not one of them—and if they should not dive in a particular area it might be appropriate for them to know exactly where that area might be. I have no idea whether that particular area of Mull is one where people would choose to dive. However, it might be helpful if there were a map to show divers which area they should avoid.

Meat (Disease Control) (Scotland) Regulations 2000 (SSI 2000/288)

The Convener: No points arise from these regulations.

Farm Woodland Premium Scheme Amendment (Scotland) Regulations 2000 (SSI 2000/290)

The Convener: There was some suggestion that we could raise a point in relation to the vires of the regulations. Politically, I never bother taking any perspective on whether a matter is vires, but other members may have a different opinion.

David Mundell: It might be appropriate to highlight the issue raised by the fact that the necessary Commission approval has not yet been received.

Fergus Ewing: It is always nice to see Conservative members helping to prevent the inevitable movement towards the destruction of Britain.

The Convener: Very diplomatically, too.

Education and Training (Scotland) Regulations 2000 (SSI 2000/292)

The Convener: We received some advice on the regulations. We are seeking an explanation of various matters that have been flagged up in relation to paragraphs 4 and 5 of regulation 7. As a matter of course we will draw the Executive's attention to the small typo in regulation 8(2).

Fergus Ewing: Regulation 7(4) is extremely important. If there is a defect in that regulation, the whole individual learning account policy—which is very important to the Executive, I understand—is imperilled. The points that we raise have a particular urgency.

The Convener: Indeed.

Export of Pigs, Porcine Material and Bovine Animals (Scotland) Regulations 2000 (SSI 2000/300)

The Convener: No points arise in relation to these regulations.

Human Rights Act 1998 (Jurisdiction) (Scotland) Rules 2000 (SSI 2000/301)

The Convener: We turn to the final instrument in this section. Our legal advisers have raised a point in relation to section 9 of the Human Rights Act 1998, which is quoted in the preamble of the instrument, and the way in which the Executive intends to draw on the powers within the legislation. We seek clarification on that point.

**Sea Fish (Specified Sea Areas)
(Regulation of Nets and Other Fishing
Gear) (Scotland) Order 2000
(SSI 2000/227)**

The Convener: Item 5 on the agenda is instruments not subject to parliamentary control. There are some typos in SSI 2000/227, but I do not think that there are any other matters to raise in relation to this instrument.

**Undersized Edible Crabs (Scotland)
Order 2000 (SSI 2000/228)**

The Convener: No matters arise in connection with this instrument.

**Environment Act 1995
(Commencement No 17 and Savings
Provision) (Scotland) Order 2000
(SSI 2000/180)**

The Convener: Item 6 on the agenda is items not laid before the Parliament.

Given the points that the committee raised, the delay in SSI 2000/180 reaching the committee was quite significant.

Trish Godman: We need to write a follow-up letter to the Executive asking it to explain the delay, as the Executive was quite rude to us.

The Convener: I will happily raise that matter in the appropriate manner with the Executive.

**Adoption (Intercountry Aspects) Act
1999 (Commencement No 2) (Scotland)
Order 2000 (SSI 2000/223)**

The Convener: Various points about the appropriateness and efficacy of this order have been drawn to our attention.

Bristow Muldoon: We should draw the Executive's attention to the legal advice that we have been given, which is that Scottish ministers may not have the power to make this instrument. Under the Adoption (Intercountry Aspects) Act 1999, the power to make such an order is conferred on the Secretary of State for Scotland rather than on Scottish ministers. We should ask the Executive to explain how that power has been transferred to it.

We should also draw the Executive's attention to three relatively minor points, which are less important than that fundamental point. First, the order was made on the same day as the

provisions of the act were commenced by the order, so to that extent it has retrospective effect. Secondly, there is confusion in the explanatory note, which gives 1 June 2000 as the commencement date, although the act states that the commencement date is 2 June 2000. Thirdly, there has been a lengthy delay, as the Executive did not submit the order to Parliament until 5 July, even though the order appears to have been made on 2 June. Had the order been presented to the committee earlier, the committee would have been able to consider it before the recess.

The Convener: We should make those points to the Executive. As I was involved with adoptions when I was in private practice, I know that they are a minefield at the best of times. Adoption cases are extremely trying and stressful for all concerned, so we should ensure that we do not make matters more complicated than they are at present.

**National Health Service (Functions of
the Common Services Agency)
(Scotland) Amendment Order 2000
(SSI 2000/224)**

The Convener: Again, a question of vires arises in connection with this order. It is suggested that we inquire why, given that the parent act predates the coming into force of the Interpretation Act 1978, the Executive failed to cite section 107(6) in the order.

**Welfare Reform and Pensions Act 1999
(Scotland) (Commencement No 8)
Order 2000 (SSI 2000/238)**

The Convener: We should ask why there was a delay in forwarding this instrument to the committee.

**Act of Sederunt (Sheriff Court Ordinary
Cause Rules Amendment)
(Miscellaneous) 2000 (SSI 2000/239)**

The Convener: We should draw the Executive's attention to the typo in this order.

**Standards in Scotland's Schools etc
Act 2000 (Commencement No 1) Order
2000 (SSI 2000/258)**

The Convener: No points arise on this order.

**Education (Listed Bodies) Order 2000
(SSI 2000/293)**

David Mundell: We would not want Fergus Ewing to misinterpret why the word “Scotland” is missing from the title of this order. We should draw that to the Executive’s attention and demand—double-underlining the word “demand” in our report—an explanation.

Fergus Ewing: I would second that, but in a more moderate way, of course.

The Convener: I think that that is the only matter to be raised on that order.

**Standards in Scotland's Schools etc
Act 2000 (Commencement No 2 and
Transitional Provisions) Order 2000
(SSI 2000/298)**

The Convener: We must ask the Executive why it was not possible to combine these provisions relating to the Standards in Scotland's Schools etc Act 2000 with the commencement no 1 order—this is the second commencement order in less than one month. The Executive appears to be creating needless work for itself and for us. Bearing in mind paragraph 2.38 of “Statutory Instrument Practice”, why were the orders not dealt with simultaneously?

That brings our meeting to an end. Thank you all.

Meeting closed at 11:55.

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