

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 5 December 2000  
*(Morning)*

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## SUBORDINATE LEGISLATION COMMITTEE

35<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

\*Trish Godman (West Renfrew shire) (Lab)

Mr Kenneth Macintosh (Eastw ood) (Lab)

\*Fiona McLeod (West of Scotland) (SNP)

\*Bristow Muldoon (Livingston) (Lab)

David Mundell (South of Scotland) (Con)

\*attended

### CLERK TO THE COMMITTEE

Alasdair Rankin

### ASSISTANT CLERKS

Ruth Cooper

Alistair Fleming

### LOCATION

Committee Room 3



## Scottish Parliament

### Subordinate Legislation Committee

*Tuesday 5 December 2000*

*(Morning)*

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

**The Convener (Mr Kenny MacAskill):** Good morning, and welcome to the 35<sup>th</sup> meeting of the Subordinate Legislation Committee. We have apologies from David Mundell, who is engaged in domestic matters—looking after his sick wife—and Kenneth Macintosh, who is in another committee meeting.

#### **Education (Provision of Information as to Schools) (Scotland) Amendment Regulations 2000 (SSI 2000/406)**

**The Convener:** The first item is Executive responses. We raised various points on the regulations and had an acknowledgement from the Executive, which appears to accept that there are deficiencies in the regulations and defective drafting. If no one wishes to comment, we will draw the matter to the attention of the lead committee.

#### **Education (School and Placing Information) (Scotland) Amendment Regulations 2000 (SSI 2000/407)**

**The Convener:** Various matters were raised on the regulations, including defective drafting, typographical issues, and how to define columns. The Executive has accepted some points and not others, but it appears that there is still defective drafting. The recommendation is that we draw that to the attention of the lead committee.

#### **Draft Undertaking by the Scottish Ministers and NorthLink Orkney and Shetland Ferries Ltd**

**The Convener:** The next item on the agenda is the draft undertaking on northern isles ferries by the Scottish ministers and NorthLink Orkney and Shetland Ferries. Are there any points on the undertaking?

**Fiona McLeod (West of Scotland) (SNP):** I have one minor point. In part 6 of schedule 1, on

maximum fares, “Low”, “Mid” and “Peak” are defined, but “Children” is not. It would be helpful to have a definition.

**The Convener:** It would be helpful, but I am advised that we will not be able to get a response from the Executive in time. The options that are open to you are either to write to the Executive or to use your membership of the Transport and the Environment Committee to raise the issue when the matter is discussed there.

**Fiona McLeod:** It is meeting tomorrow.

**The Convener:** That may be the time to get an answer.

#### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 6) (Scotland) Order 2000 (SSI 2000/428)**

**The Convener:** No points arise on the order.

#### **Sheep and Goats Identification (Scotland) Regulations 2000 (SSI 2000/418)**

**The Convener:** No points arise on the regulations.

**Trish Godman (West Renfrewshire) (Lab):** I have often wondered why I came into politics, because it is such a crazy game. When I saw the title of the instrument I thought, “That is why I came into politics—so that I would be able to distinguish a sheep from a goat.”

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** You are looking at me when you say that.

**Trish Godman:** I make no political comment on who are the goats and who are the sheep.

**The Convener:** I am sure that Fergus Ewing would have found something to say.

**Act of Sederunt (Fees of Sheriff Officers) 2000 (SSI 2000/419)**

**Act of Sederunt (Fees of Solicitors in the Sheriff Court) 2000 (SSI 2000/420)**

**Local Statutory Provisions (Postponement from Repeal) (Scotland) Order 2000 (SSI 2000/425)**

**The Convener:** No points arise on the instruments.

**Common Agricultural Policy Support Schemes (Modulation) (Scotland) Regulations 2000 (SSI 2000/429)**

**The Convener:** There is a question regarding levies, subsidies and taxes, and whether the instrument falls under the reserved area of taxes. Are there any comments?

**Trish Godman:** We should ask the Executive for an explanation.

**The Convener:** Certainly. We had the benefit of some advice on the difference between a levy and a tax, but requesting an explanation from the Executive would clarify matters for us all.

**Financial Assistance for Environmental Purposes (Scotland) Order 2000 (SSI 2000/430)**

**The Convener:** There are various matters regarding state aid and whether the order meets European Commission approval. We will seek clarification from the Executive that the order is in agreement with the rules of the European Commission.

**Plastic Materials and Articles in Contact with Food (Amendment) (Scotland) Regulations 2000 (SSI 2000/431)**

**The Convener:** No points arise on the regulations.

**Control of Pollution (Registers and Consents for Discharges) (Secretary of State Functions) Amendment Regulations 2000 (SSI 2000/432)**

**The Convener:** Various points arise on the regulations, including compatibility with the European convention on human rights.

**Trish Godman:** The title in the heading does not correspond with the title in the text of the regulations.

**The Convener:** Yes, we have noticed typical typographical issues, such as a footnote that refers to "Order" rather than "Regulations". Most important, we should seek clarification regarding article 6 of the ECHR, because the regulations may get into the same difficulties as did those regarding temporary sheriffs. If the Government appoints a board, but also is the body that deals with appeals, there may be difficulties. We will seek the Executive's views on ECHR compatibility.

**Act of Sederunt (Fees of Messengers-At-Arms) 2000 (SSI 2000/421)**

**The Convener:** Agenda item 5 is instruments not laid before the Parliament. There are typographical errors in the instrument that we can draw to the Executive's attention, but there is nothing else.

**Environment Act 1995 (Commencement No 19) (Scotland) Order 2000 (SSI/2000/433)**

**The Convener:** As with the Control of Pollution (Registers and Consents for Discharges) (Secretary of State Functions) Amendment Regulations 2000 (SSI 2000/432), various points arise regarding ECHR compatibility. We are advised that nobody seems to know the current position regarding planning and the ECHR, so some light could be cast upon this. We will seek clarification.

**Europe Familiarisation Scheme**

**The Convener:** The final item on the agenda is the European Parliament study visit. It will be decided later today, or at some other stage, whether there will be a place for someone from the committee. We can revisit the matter, but if people are interested in going—we have no shrinking violets—they should tell Alasdair Rankin or another clerk and we will take the matter from there.

*Meeting closed at 11:23.*

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