

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 8 May 2001
(Morning)

Session 1

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SUBORDINATE LEGISLATION COMMITTEE

15th Meeting 2001, Session 1

CONVENER

*Mr Kenny MacAskill (Lothians) (SNP)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)
Gordon Jackson (Glasgow Govan) (Lab)
Ms Margo MacDonald (Lothians) (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 8 May 2001

(Morning)

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

The Convener (Mr Kenny MacAskill): We are now quorate. Thank you to those members who have come in. This will probably be our shortest meeting on record. No sooner will we have sat down, than we will be departing again. We have apologies from Gordon Jackson, who is at a committee meeting that clashes with this one.

International Criminal Court (Scotland) Bill

The Convener: First, we consider the scrutiny of delegated powers in the International Criminal Court (Scotland) Bill. No points arise regarding subordinate legislation. We are deprived of Gordon Jackson, who is most involved with the bill. If no other member has comments, then there is nothing that we need say or do about the bill. We do not need to draw any lead committee's attention—or indeed that of the Parliament—to the bill.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): That is right. The Executive has taken a cautious approach to some of the powers conferred by subordinate legislation, and we welcome that. Apart from that, there are no points to raise.

Plant Protection Products Amendment (Scotland) Regulations 2001 (SSI 2001/161)

The Convener: The next item to consider is the Executive's response to points that the committee raised about the plant protection regulations.

The question that we raised about vires has been raised in connection with other matters and will be the subject of our informal discussion with Executive representatives next week. That leaves the question of defective drafting, which has been acknowledged by the Executive. We will draw that to the lead committee's attention, in our usual fashion, and it can make of it what it will.

Gelatine (Intra-Community Trade) (Scotland) Regulations 2001 (SSI 2001/169)

The Convener: We now consider instruments subject to annulment. There are a couple of points regarding the drafting of the regulations on which we might seek clarification. The points relate to regulation 4(1) and regulation 4(1)(e). In regulation 4(1)(e) there appears to be some dubiety as to what further information may be appropriate. Regulation 4(1) commences

"on application under this regulation",

but then makes no further provision for applications, nor states by whom or how applications are to be made. The committee requires a view as to whether that is a drafting error. Given the difficulty that the committee is having interpreting the regulation, we must ask how the public is expected to interpret it.

Criminal Justice and Court Services Act 2000 (Commencement No 5) (Scotland) Order 2001 (SSI 2001/166)

Transport (Scotland) Act 2001 (Commencement No 2) Order 2001 (SSI 2001/167)

The Convener: We now come to instruments not laid before the Parliament. No points arise on either order. We are very grateful for David Mundell's late arrival, because earlier we were in difficulties regarding a quorum.

David Mundell (South of Scotland) (Con): I blame the clock at the Hub. I shall refer it to the Presiding Officer for investigation.

The Convener: That concludes our meeting.

Meeting closed at 11:19.

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