

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 15 May 2001
(Morning)

Session 1

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SUBORDINATE LEGISLATION COMMITTEE

16th 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 15 May 2001

(Morning)

[THE CONVENER *opened the meeting at 11:22*]

The Convener (Mr Kenny MacAskill): Good morning and welcome to the 16th meeting of the Subordinate Legislation Committee in this session.

Convention Rights (Compliance) (Scotland) Bill

The Convener: The first item on the agenda is the scrutiny of delegated powers in the Convention Rights (Compliance) (Scotland) Bill as amended at stage 2. There have been some minor suggestions regarding Parole Board rules. More important, there have been amendments regarding the ability of ministers to take remedial action. Do any members wish to comment? There is nothing in particular that we need to say or do.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Moving towards compatibility with the European convention on human rights is important. The bill needs to be flexible and ministers need to be able to take remedial action without too much hindrance. I do not think that we need take any point on the bill as it stands.

The Convener: I am minded to agree. Our concern when we first discussed the bill was that the subordinate legislation provisions were a blank cheque. There is now some movement towards clarification. There must be compelling reasons for ministers to make remedial powers, although there is a balancing act between requiring the spelling out of compelling reasons and the difficulties that that causes. We have made our points and the Executive has acknowledged them. The Justice 1 Committee may yet be perturbed by the bill, but it is for that lead committee to decide whether it is satisfied or not.

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

The Convener: We now consider the Executive's response to the gelatine regulations. The committee raised several points on the regulations, some of which have been clarified. Perhaps David Mundell, with his knowledge of the constituent parts of gelatine, wishes to comment?

David Mundell (South of Scotland) (Con): Gelatine is obviously an important product. The explanation that the Executive has provided is satisfactory.

The Convener: I am grateful for that, and for your earlier clarification of my ignorance as to what does and does not constitute gelatine.

European Communities (Service of Judicial and Extrajudicial Documents) (Scotland) Regulations 2001 (SSI 2001/172)

Sex Offenders (Notification Requirements) (Prescribed Police Stations) (Scotland) Regulations 2001 (SSI 2001/173)

Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 2001 (SSI 2001/174)

The Convener: We now come to instruments subject to annulment. No points arise on either set of regulations or on the order.

Water (Prevention of Pollution) (Code of Practice) (Scotland) Amendment Order 2001 (SSI 2001/175)

The Convener: Some clarification of the order is required.

David Mundell: We should clarify which of sections, chapters and paragraphs are the correct names for the divisions of the order. There appears to be conflicting terminology.

There is also a point about whether the whole of the supplement applies in respect of water.

The Convener: We will seek clarification of those matters.

**Animal By-Products Amendment
(Scotland) Order 2001 (SSI 2001/171)**

The Convener: Finally, we come to instruments not laid before the Parliament. There are two small typographical errors in the order which can be dealt with in the normal way.

That brings our meeting to a conclusion. Thank you very much.

Meeting closed at 11:26.

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