

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 19 June 2001
(Morning)

Session 1

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SUBORDINATE LEGISLATION COMMITTEE

21st Meeting 2001, Session 1

CONVENER

*Mr Kenny MacAskill (Lothians) (SNP)

DEPUTY CONVENER

*Ian Jenkins (Tw eeddale, 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 19 June 2001

(Morning)

[THE CONVENER *opened the meeting at 11:14*]

The Convener (Mr Kenny MacAskill): Good morning and welcome to the 21st meeting of the Subordinate Legislation Committee. Apologies have been received from Margo MacDonald, and Gordon Jackson is probably at a Justice 1 Committee meeting.

Police and Fire Services (Finance) (Scotland) Bill

The Convener: Item 1 is scrutiny of the delegated powers in the Police and Fire Services (Finance) (Scotland) Bill. No matters arise from the bill. Unless members think otherwise, there is nothing for us to draw to the attention of the lead committee or the Parliament.

Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2001 (SSI 2001/206)

The Convener: Three matters that the committee raised with the Executive have been acknowledged and explanations have been provided. A drafting defect has been acknowledged, which we will draw to the attention of the relevant committee.

Water Supply (Water Quality) (Scotland) Regulations 2001 (SSI 2001/207)

The Convener: The Executive has acknowledged the committee's recommendation and amending regulations will be forthcoming. We will draw that fact to the attention of the lead committee.

Right to Time Off for Study or Training (Scotland) Amendment Regulations 2001 (SSI 2001/211)

The Convener: There has been a delay between the making and laying of the regulations.

In my view, a judgment call is required. Occasionally, the introduction of regulations has to be delayed until they can be co-ordinated with regulations south of the border. I suggest that we merely note that the Executive has been caught out on this occasion. In other circumstances, the Executive would probably have got it right, but in this instance, it did not.

Crofting Community Development Scheme (Scotland) Regulations 2001 (SSI 2001/208)

The Convener: We now come to instruments that are subject to annulment.

Do members have any comments on the instrument? We miss Fergus Ewing's rural and agricultural knowledge.

Bristow Muldoon (Livingston) (Lab): We might ask about the definition of "application" in regulation 2(1), which refers to applications that are

"made in accordance with regulations 4 and 5",

even though regulation 5 appears to relate to the granting of approval of an application by Scottish ministers rather than the making of the application. Perhaps we could ask the Executive for an explanation of that.

The Convener: Certainly.

Existing Facilities in Quality Partnership Schemes (Scotland) Regulations 2001 (SSI 2001/218)

The Convener: There are some minor drafting matters in relation to the instrument, which we can draw to the Executive's attention in a letter.

Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 (SSI 2001/219)

The Convener: Do members have any comments on the instrument?

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): We welcome the idea of consolidation that is embodied in the regulations. Nevertheless, there is some confusion as regulation 14(1)(a)(ii) refers to

"paragraph 9 of the Schedule"

although there are two schedules. It seems clear that schedule 1 is being referred to, but the slightly loose wording causes confusion. Furthermore, it is not clear that it is paragraph 9 that should be

referred to—it could perhaps be paragraph 10. We should ask the Executive for clarification.

Agricultural Processing and Marketing Grants (Scotland) Regulations 2001 (SSI 2001/220)

The Convener: The only matter arising in relation to the instrument is the perennial question of whether judicial review counts as an appeal. We have reached an impasse and have agreed to disagree with the Executive. At some stage in the future, either the Executive or we will be proven correct.

Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No 2) Regulations 2001 (SSI 2001/221)

The Convener: There is a drafting error in the regulations, which we can draw to the Executive's attention in the normal way.

Gordon Jackson (Glasgow Govan) (Lab): I apologise for being late.

The Convener: That is no problem. We thought that you were at a Justice 1 Committee meeting.

Gordon Jackson: No.

Education (Assisted Places) (Scotland) Regulations 2001 (SSI 2001/222)

The Convener: An informal letter on drafting points will be appropriate in relation to the regulations.

St Mary's Music School (Aided Places) (Scotland) Regulations 2001 (SSI 2001/223)

The Convener: No matters arise in relation to the instrument.

Air Quality Limit Values (Scotland) Regulations 2001 (SSI 2001/224)

The Convener: Do members have any comments on the regulations?

Ian Jenkins: There appears to be some confusion surrounding regulation 12(5). It is not clear what it means. Perhaps we could ask the Executive for an explanation.

The Convener: That would be ideal.

Suckler Cow Premium (Scotland) Regulations 2001 (SSI 2001/225)

The Convener: An informal letter may be required to address an incorrect footnote.

Agricultural Subsidies (Appeals) (Scotland) Amendment Regulations 2001 (SSI 2001/226)

The Convener: There is a minor printing error that we can deal with in the usual way.

Repayment of Student Loans (Scotland) Amendment Regulations 2001 (SSI 2001/227)

Education (Student Loans) (Scotland) Regulations 2000 Amendment Regulations 2001 (SSI 2001/228)

Students' Allowances (Scotland) Amendment Regulations 2001 (SSI 2001/229)

The Convener: No matters arise in relation to the instruments.

Gaming Act (Variation of Fees) (No 2) (Scotland) Order 2001 (SSI 2001/230)

The Convener: The order took up a considerable part of our legal briefing, if only in anecdotal tales of gambling. Do members have any comments?

Bristow Muldoon: The only question to ask is whether the Executive has considered staging the 47 per cent increase in the price of bingo licences. Although the proposed increase seems to have no major effect on a large hall, it may have a significant effect on a far smaller operation.

The Convener: We should also seek an explanation of why we are reducing the cost of casino licences by 26 per cent. Is it an issue in Govan, Gordon, if higher bingo costs are passed to the consumer?

Gordon Jackson: I must pass on that one. I am out of my depth.

The Convener: We shall ask for a response on the 47 per cent increase.

BSE Monitoring (Scotland) Regulations 2001 (SSI 2001/231)

The Convener: A note has been received from the Executive indicating why the regulations breach the 21-day rule.

However, it appears that the article to which the regulations refer should have been invoked by 1 January. We should seek clarification of which article the regulations refer to.

Meeting closed at 11:22.

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