

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 20 November 2001
(Morning)

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2001.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Tuesday 20 November 2001

Col.

EXECUTIVE RESPONSES	661
Northern College of Education (Closure) (Scotland) Order 2001 (SSI 2001/407)	661
INSTRUMENTS SUBJECT TO APPROVAL	662
Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 11) (Scotland) Order 2001 (SSI 2001/420)	662
Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 12) (Scotland) Order 2001 (SSI 2001/423)	662
INSTRUMENTS SUBJECT TO ANNULMENT	663
Protection of Wrecks (Designation) (No 2) (Scotland) Order 2001 (SSI 2001/384)	663
Pensions Appeal Tribunals (Scotland) (Amendment) Rules 2001 (SSI 2001/410)	664
Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No 2) Amendment (No 5) Regulations 2001 (SSI 2001/415)	664
Mortgage Rights (Scotland) Act 2001 (Prescribed Notice) Order 2001 (SSI 2001/419)	664
Potatoes Originating in Egypt (Scotland) Regulations 2001 (SSI 2001/421)	664
Colours in Food Amendment (Scotland) Regulations 2001 (SSI 2001/422)	664
INSTRUMENTS NOT SUBJECT TO PARLIAMENTARY CONTROL	665
Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (Orkney) (No 2) (Scotland) Revocation Order 2001 (SSI 2001/411)	665
Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (East Coast) (Scotland) Revocation Order 2001 (SSI 2001/412)	665
Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Partial Revocation (No 2) Order 2001 (SSI 2001/413)	665
Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 3) (Scotland) Partial Revocation Order 2001 (SSI 2001/414)	665
INSTRUMENTS NOT LAID BEFORE THE PARLIAMENT	666
Mortgage Rights (Scotland) Act 2001 (Commencement and Transitional Provision) Order 2001 (SSI 2001/418)	666

SUBORDINATE LEGISLATION COMMITTEE

32nd Meeting 2001, Session 1

CONVENER

*Ms Margo MacDonald (Lothians) (SNP)

DEPUTY CONVENER

*Ian Jenkins (Tw eeddale, Ettrick and Lauderdale) (LD)

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)

*Colin Campbell (West of Scotland) (SNP)

*Murdo Fraser (Mid Scotland and Fife) (Con)

*Gordon Jackson (Glasgow Govan) (Lab)

*Bristow Muldoon (Livingston) (Lab)

*attended

CLERK

Alasdair Rankin

SENIOR ASSISTANT CLERK

Steve Farrell

ASSISTANT CLERKS

Ruth Cooper

Alistair Fleming

LOCATION

Committee Room 3

Scottish Parliament

Subordinate Legislation Committee

Tuesday 20 November 2001

(Morning)

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

Executive Responses

The Convener (Ms Margo MacDonald): I welcome everyone to the 32nd meeting of the Subordinate Legislation Committee in 2001, for another fun-filled hour.

Colin Campbell (West of Scotland) (SNP): Or less.

The Convener: Indeed. We have received no apologies this morning.

Northern College of Education (Closure) (Scotland) Order 2001 (SSI 2001/407)

The Convener: We have received the Executive's response to the eight points that we raised on the order. The committee felt that the order contained bad drafting, but the Executive has not addressed that as we might have wanted.

To our basic question on the definition of the universities, the Executive has replied that it knows what it means and that we really should know what it means as well. As there has not been much movement on the issue, perhaps we should draw it to the attention of the lead committee and the Parliament.

Gordon Jackson (Glasgow Govan) (Lab): Having read the recommendations in the legal briefing, I have no problem drawing them all to the attention of the Parliament.

The Convener: So we do not need to go through them one by one.

Gordon Jackson: That is what I was hinting at, convener.

The Convener: Well, that is what I am hearing.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): We should simply draw to the attention of the lead committee the fact that the order contains defective drafting. Furthermore, the Executive has provided us with an explanation, which is not wonderful, but at least it is there. We will also draw that information to the lead committee's attention.

The Convener: Okay.

Instruments Subject to Approval

Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 11) (Scotland) Order 2001 (SSI 2001/420)

The Convener: No points arise on the order.

Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 12) (Scotland) Order 2001 (SSI 2001/423)

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

Murdo Fraser (Mid Scotland and Fife) (Con): It contains a typo.

The Convener: Indeed it does.

Instruments Subject to Annulment

Protection of Wrecks (Designation) (No 2) (Scotland) Order 2001 (SSI 2001/384)

The Convener: Murdo, do you want to say anything about the order?

Murdo Fraser: It contains a fascinating explanatory note. However, the order itself is perfectly in order.

The Convener: We are really pleased about that.

Colin Campbell: Apparently, the order has been made to safeguard the wreck of the first aircraft carrier from which anything actually flew. That happened in 1915. Is that not interesting? The ship sank in 1918.

Murdo Fraser: In a storm in the firth of Forth. How many storms do you get in the firth of Forth that could sink an aircraft carrier?

Colin Campbell: I do not know.

The Convener: What has this discussion got to do with anything?

The committee is absolutely delighted to hear that the order is in order.

Colin Campbell: I presume that, as the site has not been registered as a war grave, everyone managed to get off the ship before it sank. I will leave that thought for anyone who is interested in finding out.

Bill Butler (Glasgow Anniesland) (Lab): Perhaps we could leave the discussion for later, convener.

The Convener: No, I am terribly interested in finding out whether everyone bailed out in time.

Bill Butler: I am as interested as you are, convener, but relevance is always more important.

The Convener: Yes, but when will such an item come up on our agenda again?

Bill Butler: That is true.

Pensions Appeal Tribunals (Scotland) (Amendment) Rules 2001 (SSI 2001/410)

Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No 2) Amendment (No 5) Regulations 2001 (SSI 2001/415)

Mortgage Rights (Scotland) Act 2001 (Prescribed Notice) Order 2001 (SSI 2001/419)

The Convener: No points arise on the instruments.

Potatoes Originating in Egypt (Scotland) Regulations 2001 (SSI 2001/421)

The Convener: We crave the committee's indulgence to stray slightly from the point to hear why it is that the potatoes in question should be called—

Colin Campbell: Hang on. I have to look up the explanatory note.

The Convener: Ralstonite, I think.

Colin Campbell: It is Ralstonia something something. I think that there are also two Latin words.

The Convener: We think that a Scotsman might have discovered this blight on potatoes, and that the committee should record that fact. Otherwise, no points arise on the regulations.

Colours in Food Amendment (Scotland) Regulations 2001 (SSI 2001/422)

The Convener: No points arise on the regulations.

Instruments Not Subject to Parliamentary Control

**Food Protection (Emergency Prohibitions)
(Paralytic Shellfish Poisoning) (Orkney)
(No 2) (Scotland) Revocation Order 2001
(SSI 2001/411)**

**Food Protection (Emergency Prohibitions)
(Amnesic Shellfish Poisoning) (East
Coast) (Scotland) Revocation Order 2001
(SSI 2001/412)**

**Food Protection (Emergency Prohibitions)
(Amnesic Shellfish Poisoning)
(West Coast) (Scotland) Partial Revocation
(No 2) Order 2001 (SSI 2001/413)**

**Food Protection (Emergency Prohibitions)
(Amnesic Shellfish Poisoning)
(West Coast) (No 3) (Scotland) Partial
Revocation Order 2001 (SSI 2001/414)**

The Convener: No points arise on the orders.

Gordon Jackson: Nul points. We could call this whole meeting Norway. Or Finland. [*Laughter.*]

The Convener: I should point out that the name of the scallops referred to in the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 11) (Scotland) Order 2001 (SSI 2001/420) is pecten maximus. I thought that the committee might be interested to hear that.

Murdo Fraser: Not really.

Instruments Not Laid Before the Parliament

**Mortgage Rights (Scotland) Act 2001
(Commencement and Transitional
Provision) Order 2001 (SSI 2001/418)**

The Convener: No points arise on the order.

Before I close the meeting, the clerk would like to mention some correspondence that we have received.

Alasdair Rankin (Clerk): I have been in correspondence with the clerks to the Rural Development Committee about the Abolition of the Intervention Board for Agricultural Produce (Consequential Provisions) (Scotland) Regulations 2001 (SSI 2001/390), which the committee has considered before. Although the matter has gone beyond the 20-day limit, I have informed the clerks that the committee's views on the regulations, as recorded in its report, stand regardless of the Executive's response.

The Convener: There is no other business on the agenda.

Meeting closed at 11:23.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Tuesday 27 November 2001

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers