

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 18 December 2001
(Morning)

Session 1

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SUBORDINATE LEGISLATION COMMITTEE

36th Meeting 2001, Session 1

CONVENER

*Ms Margo MacDonald (Lothians) (SNP)

DEPUTY CONVENER

*Ian Jenkins (Tweeddale, 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 CLERK

Alistair Fleming

LOCATION

Committee Room 3

Scottish Parliament

Subordinate Legislation Committee

Tuesday 18 December 2001

(Morning)

[THE CONVENER *opened the meeting at 11:15*]

Delegated Powers Scrutiny

The Convener (Ms Margo MacDonald): I welcome everyone to the 36th meeting of the Subordinate Legislation Committee in 2001. I am happy to say that we have a short agenda. We have received no apologies, and there are no intimations that we wish to make.

Scottish Public Sector Ombudsman Bill

The Convener: The committee noted that schedule 4 of the bill lists matters that the proposed ombudsman must not investigate. The Executive responded that, in the case of a body with public and private functions, it is in order for the ombudsman to investigate only the public functions. The committee feels that such a stipulation should appear in the bill, to line it up with the Freedom of Information (Scotland) Bill. Although I do not think that that request is in any way remarkable, the Executive does not quite agree. As a result, we should recommend to the lead committee that the power to make subordinate legislation under the bill should be exercisable only in relation to public functions and that that stipulation should be clear in this bill, as in the Freedom of Information (Scotland) Bill. Are members agreed?

Members *indicated agreement.*

The Convener: Good, because you were going to get skelped if you disagreed.

Colin Campbell (West of Scotland) (SNP): Then I disagree. [*Laughter.*]

The Convener: There is always one.

Executive Responses

Plant Protection Products Amendment (No 3) (Scotland) Regulations 2001 (SSI 2001/454)

The Convener: We received a full and helpful response from the Executive on our point that the regulations breached the 21-day rule. The summary of the response is that it was all the fault of the Department for Environment, Food and Rural Affairs, not the Executive, which had to co-ordinate matters with DEFRA. We shall draw the Executive's response to the attention of the lead committee and the Parliament.

Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No 3) Amendment Regulations 2001 (SSI 2001/455)

The Convener: The Executive has acknowledged that there was a failure to comply with proper drafting practice. We will simply draw the regulations to the attention of the lead committee and the Parliament on those grounds.

Instruments Not Subject to Parliamentary Control

High Court of Justiciary (Proceedings in the Netherlands) (United Nations) (Variation) Order 2001 (SI 2001/3918)

United Nations (International Tribunal) (Rwanda) (Amendment) Order 2001 (SI 2001/3920)

The Convener: Now we have two exotic orders that we do not usually get. Unfortunately, however, no points at all arise on either order.

Colin Campbell: Perhaps that is just as well. Any points that might arise would be overelaborate.

The Convener: Both orders are statutory instruments that come from both Parliaments. I just think that it is interesting that we have to do these things.

Colin Campbell: It enriches our lives a lot.

The Convener: Well, I would like to find out what actually happens with the orders. Is some sort of formal ceremony involved in laying an order in council?

Alasdair Rankin (Clerk): No.

The Convener: Oh, well. Maybe it is not all that interesting then.

Do members have any other comments?

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I just want to wish everyone a happy Christmas.

Colin Campbell: And a peaceful new year. I include everyone in the room and the world at large.

The Convener: We can hope for peace, and hope that President Bush does exactly the same thing. That is a personal comment.

Just before we rise, I want to thank the superb staff who service the committee. If we can manage to arrange it, we will all meet up in the next 48 hours for a wee drink somewhere in the vicinity.

Meeting closed at 11:21.

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