

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 12 February 2002
(Morning)

Session 1

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SUBORDINATE LEGISLATION COMMITTEE

6th Meeting 2002, 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

WITNESSES

William Fleming (Scottish Executive Environment and Rural Affairs Department)

David Mundell (South of Scotland) (Con)

CLERK TO THE COMMITTEE

Alasdair Rankin

SENIOR ASSISTANT CLERK

Steve Farrell

ASSISTANT CLERKS

Joanne Clinton

Alistair Fleming

LOCATION

Committee Room 3

Scottish Parliament

Subordinate Legislation Committee

Tuesday 12 February 2002

(Morning)

[THE CONVENER *opened the meeting at 11:35*]

Delegated Powers Scrutiny

Water Industry (Scotland) Bill (as amended at Stage 2)

The Convener (Ms Margo MacDonald): I welcome everyone to the sixth meeting in 2002 of the Subordinate Legislation Committee.

I welcome our guests, William Fleming and Elspeth MacDonald. The committee would like clarification on one point on the Water Industry (Scotland) Bill. The bill gives the water authority the power to install meters in premises that have a domestic and a non-domestic use. Will the witnesses tell us how, and in what circumstances, they expect the power to be used? For the benefit of members, the power to which I am referring is in paragraph 32(4) of schedule 6 to the bill, which is on page 58.

William Fleming (Scottish Executive Environment and Rural Affairs Department): The provision covers circumstances in which a supply of water is provided for domestic and non-domestic purposes. For example, a household with a swimming pool is entitled to an unmetered water supply for domestic purposes, but it would be unreasonable for water for a swimming pool to be provided by the same means. Another example is premises that are used as a home and as a place of work, such as dental surgeries that are attached to private residences. The intention is that such premises are entitled to an unmetered supply for domestic purposes, but for the purposes of the business, which is a consumer of water, the supply will be metered in the same way as is a free-standing dentist's surgery.

The Convener: I was thinking about hairdressers who do a bit of moonlighting.

William Fleming: The provision might apply to them. It applies to any premises that are used for domestic and non-domestic purposes.

Bristow Muldoon (Livingston) (Lab): How will the system operate? I realise that it is not intended to impose metering on domestic premises. Is it

proposed that there will be separate domestic and non-domestic water supplies or will the whole premises be metered?

William Fleming: In most cases, a bit of extra pipework will be required. The supply into the premises will have two branches—an unmetered and a metered one. The water that is used for non-domestic purposes will have separate pipework and a meter so that that water is distinct from the domestic supply.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Can the water authority insist on that?

William Fleming: As a matter of policy, the water authority will be required not to impose meters on domestic supplies, although domestic customers can request a meter if they wish. Ministers think that it is unreasonable for someone who runs a business to use the water for that purpose, but not to pay for it separately.

The Convener: I think that your problem will lie with swimming pools.

I am sorry that we dragged the witnesses here for that point, but we wanted to straighten it out. A great number of people work from home, so I am sure that the issue will arise when the legislation is implemented.

William Fleming: It is worth saying for the record that it is unlikely that the authority will impose a meter on people who work from home but who use no more water than ordinary people, for example, computer consultants. Metering is appropriate for cases in which a substantial amount of water is used over and above the amount that is used for normal domestic purposes.

The Convener: That is why I mentioned hairdressers.

I thank the witnesses for their attendance.

Do members have any comments on the Water Industry (Scotland) Bill? The Executive has clarified a number of points for us.

Ian Jenkins: The Executive took on board many of the points that we brought to its attention at stage 1, which is good.

The Convener: It is a very good Executive.

Bill Butler (Glasgow Anniesland) (Lab): I concur. I am delighted to hear the convener say that.

Colin Campbell (West of Scotland) (SNP): I am sure that she did not really say that.

The Convener: I am sure that I did.

Protection of Wild Mammals (Scotland) Bill (as amended at Stage 2)

The Convener: I welcome our guest, David Mundell; it is lovely to have him back among us. The next item is the Protection of Wild Mammals (Scotland) Bill. I am not suggesting that David needs protection.

Bristow Muldoon: Will Murray Tosh be joining us?

The Convener: No. We will come to that matter in due course. We have had no written indication, but I have heard on the grapevine that Murray Tosh agrees with one of the amendments to section 9(2), which was introduced by one of his stage 2 amendments.

Bristow Muldoon: I was not aware of that.

David Mundell (South of Scotland) (Con): I was not aware of it either.

The Convener: Nobody is aware of it. We have just heard about the matter.

I ask David Mundell to begin. We are concerned with section 1C.

David Mundell: I saw from the *Official Report* of last week's meeting that Mr Butler wants me to elucidate.

Section 1 of the bill establishes a wide-ranging criminal activity. The bill proceeds to exempt various activities from the broad thrust of section 1. I sat through 18 hours of Rural Development Committee meetings, during which it drew up and debated in great detail a list of activities to be exempted.

I was concerned that we could not be sure that the list identifies every possible exemption. For example, mink are not native to Scotland; they were introduced. Many points were raised in connection with that. We may want to exempt creatures and activities that we do not envisage at present. I wanted to give the Executive the ability to introduce new exemptions if that is felt to be appropriate. In so doing, I followed what I thought were the principles of the Subordinate Legislation Committee, by proposing that such changes be subject to a super super-affirmative procedure. I sought to secure the fullest possible consultation on new exemptions and to require a positive vote by the Parliament for exemptions to be included in the list.

That was the basis on which I moved my amendment 69. It is one of the few amendments that was unanimously accepted by the Rural Development Committee.

11:45

The Convener: That is super.

Bristow Muldoon: I have a couple of questions. If the Executive is to have this power, it is welcome that it will be subject to the affirmative procedure, which means that the Parliament would have to vote in favour of subsequent amendments to the bill. One of the concerns about section 1C, which David Mundell's amendment 69 at stage 2 introduced, is that it could potentially empower the Executive to rewrite, or contravene, some of the general principles of the bill. Do you envisage any way in which the section might be used to go against the will of the Parliament by contravening the primary legislation that may be passed tomorrow?

David Mundell: The section enables new excepted activities to be added. If Parliament wanted to change substantially the bill as passed, it would want to do so using primary legislation. The Executive would be unwise to try to use this provision to change the act substantially. It is very unlikely that that would happen. If there was a majority in favour of passing such a resolution, I presume that there would be a majority in favour of repealing or amending the act.

As I have said, and as you will know from having read it, the bill lists some very specific exemptions. I could not put my hand up and say that those exemptions cover every single legitimate activity—even as described by the principal supporters of the bill. We may have forgotten an activity that may not have been highlighted. This provision creates a way of adding such an activity to those that are excepted without having to rewrite the legislation. That is how I see the provision being used. If somebody wanted to repeal the legislation, they would bring that proposal forward as primary legislation.

The Convener: There would have to be a majority, because the order would be subject to the affirmative procedure.

David Mundell: Yes.

The Convener: Your contention is that if the intention were to either subvert the act or take it from the statute book, primary legislation would be used because a majority would be in support of that.

David Mundell: Yes. Any change under section 1C would have to be passed by a majority of members of the Parliament following a full and extensive consultation. If such a majority existed, I suggest that it would be used to repeal or amend the primary legislation. It would be unwise to use section 1C to try to change the principles of the act by subordinate legislation.

Bristow Muldoon: I note that Ross Finnie has lodged three amendments to section 1C, which seem relatively minor and technical. Does David Mundell think that those amendments would improve the section?

David Mundell: I am happy to accept all Mr Finnie's amendments to section 1C. I am sure that he will explain to the Parliament tomorrow why he feels that moving it from one position in the bill to another is better. It is where it is because of the order of the marshalled list of amendments at stage 2 and it would be better at the end of the exemptions than where it is. I do not have a problem with Mr Finnie's amendments.

I noticed that a number of the other amendments that are on the marshalled list for stage 3 introduce new subordinate legislation provisions. How will the committee deal with those? Will you comment on them ahead of their coming before the Parliament?

The Convener: We will be commenting on the position in which the committee has been put. We are going straight from here to the chamber, which means that I might need to say something. The horrendous thought of that.

The committee would be pleased, David, if you could hang on at this meeting, as you have obviously given thought to the consequences for subordinate legislation of some of those amendments.

David Mundell: I have lodged an amendment to Mrs Gillon's amendment 84. My amendment 84K seeks to bring the subordinate legislation in that amendment in line with the rest of the bill, as a tidying up exercise.

The Convener: Can you explain that to the committee?

David Mundell: Karen Gillon's amendment 84 suggests a form of compensation, shall we say. It finishes with the sentence:

"Those regulations shall be made by statutory instrument."

The Convener: We will make a suggestion on that. I will stop you there, so that we do not prejudice anything. The committee would not look kindly on that sort of thing—we prefer to see regulations tied up. In this case, the negative procedure would be required.

David Mundell: That is what I have sought to introduce into the process.

Bristow Muldoon: David Mundell mentioned the amendments that are still flowing in. There will probably be a need, once the bill has passed, for us to reconsider the practice of manuscript amendments. I understand that 21 manuscript amendments were lodged yesterday and a

substantial number could be lodged today. It becomes very difficult for a committee such as the Subordinate Legislation Committee to perform its role when large numbers of amendments are submitted after the deadline for amendments has passed. Parliament may wish to consider that once we have got through this week.

The Convener: I intend to pursue the matter with the relevant bodies in Parliament and to say that this is no way to run a Parliament.

David Mundell: It is difficult when members lodge amendments at the very last moment. A large number of amendments lodged within the legitimate period were lodged at the very last moment. While some of those amendments might have been anticipated, Mrs Gillon's amendment—which I am sure was lodged with the best of intentions—has not previously been the subject of wider discussion. Members would have been faced with a take it or leave it option for that amendment, which is probably why the Presiding Officer has allowed manuscript amendments. We must move to a situation in which people lodge amendments within reasonable time scales and it is not seen as a game in which everybody must take it down to the wire so as to get one over on other people. Otherwise, it ends farcically.

The Convener: I am sure that that would not have been the motivation of members.

Bristow Muldoon: What does a deadline mean if it is not a deadline? If an unlimited number of manuscript amendments can be lodged, it seems pointless to publish a deadline. If members lodge amendments within the time scale that is published, that appears to be within the rules of Parliament. I suspect that the procedure is being used deliberately by some members to muddy the waters.

Last week the Executive was criticised by some members for introducing a manuscript amendment to one amendment, yet this week a large number of members are lodging an unlimited number of manuscript amendments. That is potentially an abuse of Parliament.

Colin Campbell: The Executive said last week that it did not intend that procedure to be one to which it would regularly resort. However, we are now in a situation where we are really up against it.

The Convener: We will bring the matter to the attention of the Executive.

Ian Jenkins: The danger of such a plethora of amendments is that one does not know what the knock-on effects of a late amendment will be.

The Convener: That is why I invited David Mundell to stay while we champ through this discussion. He might be able to help us. As

members have no other questions for him, I thank him for the clear explanation of his amendment.

We will now consider amendments that deal with compensation provisions. We will consider amendment 84 in the name of Karen Gillon, and amendment 33 in the name of Alex Fergusson. Where are those amendments on the marshalled list?

Ian Jenkins: They are on page 9 of the marshalled list. Amendment 1 is followed by amendments 33 and 84, in that order.

The Convener: Are you up on this matter?

Ian Jenkins: No.

The Convener: Amendments 1, 33 and 84 are stage 3 amendments, but we can comment on them.

We will start with amendments 1 and 33. I am advised that those amendments could change between today and tomorrow, so I do not see much sense in the committee spending a huge amount of time on them. However, the points for the committee to note on amendment 84 are relatively straightforward. Under the heading of "Compensation", subsection (7) of amendment 84 states:

"Those regulations shall be made by statutory instrument."

The Subordinate Legislation Committee does not normally recommend such a wording. We would prefer the amendment to specify that the regulations will be subject to the negative procedure.

Ian Jenkins: That is what amendment 84K would do; it states:

"Any such instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament."

The instrument would have to be considered by Parliament.

The Convener: Amendment 84K would make provision for an instrument to be subject to the negative procedure, and it would have to be considered by Parliament. Therefore, the committee is minded to suggest to Ms Gillon that she should accept amendment 84K. Is that agreed?

Members indicated agreement.

The Convener: We will now consider amendment 87 in the name of Ross Finnie, which is a tidying-up amendment. Fergus Ewing's amendment at stage 2, members will remember, mentioned every animal under the sun that one could shoot. Amendment 87 states:

"In section 7, page 6, line 5, leave out from <weasels> to end of line 7 and insert <and weasels>."

Ian Jenkins: The phrase "and weasels" would end that grammatical clause in section 7(1), thus replacing the open-ended provision of the current phrasing.

Murdo Fraser (Mid Scotland and Fife) (Con): That amendment would mean that it would not be allowable to change the list of pest species.

Ian Jenkins: Yes, but there is a consequential amendment.

The Convener: Yes, amendment 89 is consequential on amendment 87. Amendment 89 states:

"In section 7, page 6, line 14, at end insert—

<(1A) The Scottish Ministers may, by order made by statutory instrument, modify the definition of "pest species" in subsection (1) so as to add to, or remove from, the species which that definition comprehends such species as they think fit.>".

I think that that is fair enough.

Ian Jenkins: That means that ministers would be able to add to the list of pest species, as well as being able to remove species from it.

The Convener: Yes. The ministers would be able to add and remove.

Bristow Muldoon: Amendment 87 is sensible.

The Convener: Yes. In this case, the committee recommends to Parliament—which means that I might need to say something in tomorrow's plenary debate—that the provisions of amendment 87 make sense. Is that agreed?

Members indicated agreement.

12:00

The Convener: Members will remember that Murray Tosh's amendment 122 at stage 2 ensured that there would be no sunset provision in the bill. However, amendment 91 now sets a date for the commencement of the bill:

"In section 9, page 6, line 26, leave out <such> and insert <1st August 2002 or such earlier>".

There might be a quibble over whether that date should be 2002 or 3002.

Colin Campbell: Are you confident that we will all be here to apply that 3002 date?

The Convener: Och, yes. Some of us will live forever.

Ian Jenkins: Some of the manuscript amendments propose such changes to the bill.

The Convener: Amendment 91 makes sense to me. Does it make sense to the committee?

Bristow Muldoon: We commented last week that it makes sense to have a commencement

date specified in a member's bill.

The Convener: Yes, but amendment 91 would still give some flexibility.

Murdo Fraser: Do we have clarification on whether Murray Tosh accepts amendment 91?

The Convener: Yes. I told you that.

Murdo Fraser: Alternatively, does he accept amendment 92?

The Convener: Ah—amendment 92. The truth is that we do not know that.

Ian Jenkins: I understood that Murray Tosh accepted the principle of a commencement date.

The Convener: That is all that we know.

Ian Jenkins: Murray Tosh's stage 2 amendment said that the bill did not need to commence straight away, but it did not provide a date by which the bill should commence. I understand that he now accepts that setting a commencement date should be a principle of a bill.

David Mundell: The matter was debated extensively by the Rural Development Committee and various options were suggested. The committee was swayed by the fact that the Deputy Minister for Environment and Rural Development, Allan Wilson, indicated that the Executive prefers the current wording of section 9(2). Ross Finnie's amendment 92 appears to be consistent with that view. If the bill is given a commencement date, it cannot then have different dates. The Rural Development Committee's debate demonstrated the bill's special circumstances and the need to bring up to speed on the bill everybody under the sun who needs to be so briefed, such as procurators fiscal.

The committee had no unanimous view about how long that briefing period should be. It is legitimate to proceed with an amendment that proposes a commencement date, but it is not necessarily appropriate for that date to be in the bill.

The Convener: The Subordinate Legislation Committee can decide which of amendments 91 and 92 it prefers.

Bristow Muldoon: The view that we took last week was that because the bill is a member's bill and not an Executive bill, control of the commencement date should be in the hands of the Parliament. If Parliament were to pass a member's bill that did not have a commencement date, the Executive could shelve that bill forever if it did not want to commence it. I would not expect that to be the case with the bill if Parliament passes it tomorrow. The principle of specifying a commencement date is important.

I am not 100 per cent sure that amendment 92 necessarily contradicts amendment 91, although I will seek further guidance on that point before tomorrow. It would be possible to specify a commencement date in the bill, and also to include the provision proposed in amendment 92 that

"Different days may be so appointed for different purposes."

In other words, although the whole bill would be commenced on 1 August, other parts of the bill could be enacted earlier than that date.

The Convener: I must advise committee members that, to be consistent with our recommendations on other legislation, we should suggest that a commencement date is specified in the bill. On the other hand, we are unlikely to take issue with the Executive if it argues that it is willing to specify a commencement date, as long as it can also specify different dates to enact various parts of the bill.

I might need to go to tomorrow's debate.

Colin Campbell: I think that we will all be there.

Ian Jenkins: Just for clarification, is the committee suggesting that the commencement date should be 1 August 2002? Are not we suggesting only that the bill should specify such a date?

Bristow Muldoon: That is right.

Ian Jenkins: I think that we would want to highlight such a principle.

The Convener: Okay. I do not think that the bill contains any more implications for subordinate legislation. Happy hunting tomorrow. I thank David Mundell for coming to the committee; it has been a pleasure.

David Mundell: It has been a pleasure to be here again, convener.

The Convener: Memories, memories.

Bristow Muldoon: David, Murdo Fraser is prepared to swap places with you any time you want. *[Laughter.]*

Executive Responses

Forth Estuary Transport Authority Order 2002 (draft)

The Convener: Although the Executive has made a genuine effort to answer the points that we raised on the order, we want to draw some outstanding matters to its attention. For example, we had doubts whether the order was intra vires. It has been drawn from two separate pieces of legislation; however, the Transport (Scotland) Act 2001 and the Local Government (Scotland) Act 1973 confer different enabling powers and do not appear to provide the proposed new authority with the powers that the Executive intends that it should have. That is the situation, as expressed in lay terms. Does any member want to be any more specific about the order?

Murdo Fraser: As the Executive's response is not entirely satisfactory, we should draw the fact that we still have concerns about the vires of the order to the lead committee's attention.

Bristow Muldoon: This is obviously an area with a shade of grey. However, we should simply accept that we have drawn the issue to the attention of the Executive, which has responded that section 69 of the Transport (Scotland) Act 2001 confers on it the power to constitute a joint board. In particular, section 69(3) refers to

"a joint board constituted by order under this section".

I am sure that the Executive has carefully examined the issue, and has come to the conclusion that section 69 gives them such a power. As a result, I do not want the committee to express its doubts or outstanding concerns too strongly. The Executive has supplied an explanation that I am prepared to accept.

The Convener: The Executive, however, is in the same bind as the committee. It cannot definitely say whether the provision would stand up if it were challenged.

Bristow Muldoon: That might well be the case with many issues that we deal with.

The Convener: As the Subordinate Legislation Committee, we have to tell the Executive that we cannot be absolutely certain that the order is watertight.

Bristow Muldoon: We could say that some committee members expressed concerns about the order. However, I do not want to express any doubts too strongly.

Bill Butler: Perhaps we could say that there are lingering doubts about the order.

The Convener: That is terrific—that is just the

way to put it. The committee has lingering doubts about the vires of the order.

Colin Campbell: And it could lead to a legal dispute.

Bill Butler: No. I did not say that.

The Convener: We have had persistent doubts about the order. Although the Executive has attempted to address our concerns, we are still not absolutely certain that the order is intra vires.

Budget (Scotland) Act 2001 (Amendment) Order 2002 (draft)

The Convener: We raised the question whether proper drafting practice had been followed and wondered whether commas had been put in the right or wrong place. Amendments have been made to punctuation, which is verboten. We will therefore draw the order to the attention of the lead committee and the Parliament.

Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2002 (SSI 2002/23)

Colin Campbell: The Executive has provided a very good explanation of the point that we raised.

The Convener: Yes. Members will remember that we asked about the rights of disabled and handicapped people, and the Executive's response has been sensitive and adequate.

Children's Hearings (Legal Representation) (Scotland) Amendment Rules 2002 (SSI 2002/30)

The Convener: We raised four points about these rules.

Murdo Fraser: We received a nice apology from the Executive about its failure to follow proper drafting practice.

Colin Campbell: Which we will draw to the lead committee's attention.

The Convener: The Executive has already done so.

Local Authorities' Traffic Orders (Procedure) (Scotland) Amendment Regulations 2002 (SSI 2002/31)

The Convener: These regulations are odd, because they probably constitute retrospection. The committee does not like retrospection in its instruments, but in this case such retrospection has no real effect and does not subvert the intention behind the regulations. Perhaps we should simply tell the lead committee and the Parliament that we noticed that.

Ian Jenkins: We could also point out one or two drafting infelicities—I will not call them errors—to the lead committee and to the people who drafted the regulations. However, none of the infelicities is desperately important.

12:15

The Convener: We should mention the retrospective element because we do not approve of that practice.

Scottish Legal Services Ombudsman (Compensation) (Prescribed Amount) Order 2002 (SSI 2002/32)

Colin Campbell: It might be an idea to draw to the lead committee's attention the fact that the explanatory note is not terribly clear.

The Convener: The order came with a good Executive note; however, that is different from the explanatory note. We will ask the Executive why it could not just replicate its own note.

Draft Instruments Subject to Approval

Advice and Assistance (Financial Conditions) (Scotland) Regulations 2002 (draft)

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

Gordon Jackson (Glasgow Govan) (Lab): To say that the regulations make a very small change is putting it mildly. That said, I suppose that the change is not small to some people. The regulations say that the "weekly sum of £79" will be changed to £80. I do not know what that means.

The Convener: They might need the money for the water in their swimming pools.

Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2002 (draft)

The Convener: No points arise on the regulations.

Housing Support Grant (Scotland) Order 2002 (draft)

Ian Jenkins: We should draw the Executive's attention to the fact that the order's preamble is deficient.

Instruments Subject to Approval

Pig Industry Restructuring (Capital Grant) (Scotland) Scheme 2002 (SSI 2002/43)

The Convener: We might wish to seek the Executive's confirmation that no state aid issues arise in relation to the scheme.

Instruments Subject to Annulment

Water Services Charges (Billing and Collection) (Scotland) Order 2002 (SSI 2002/33)

The Convener: No points arise on the order.

Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No 3) Amendment (No 2) Regulations 2002 (SSI 2002/35)

The Convener: Apart from a few minor typos in the footnotes, no points arise on the regulations.

Food and Animal Feedingstuffs (Products of Animal Origin from China) (Control) (Scotland) Regulations 2002 (SSI 2002/36)

Colin Campbell: There is no Executive note with the regulations.

The Convener: That is because nobody could write Chinese.

We can ask the Executive why it has not provided that note.

Sheep and Goats Identification (Scotland) Amendment Regulations 2002 (SSI 2002/39)

Gordon Jackson: The regulations sound a bit biblical.

The Convener: For members who are interested, I should point out that the regulations are all to do with ear tags.

Ian Jenkins: Is that not the other sheep and goats order?

The Convener: Is it? Don't tell me that there are two of these. Oh God—I have got my sheep and goats mixed up.

No points arise on the regulations.

Building Standards (Scotland) Amendment Regulations 2001 Amendment Regulations 2002 (SSI 2002/40)

The Convener: No points arise on the regulations.

Pig Industry Restructuring (Non-Capital Grant) (Scotland) Scheme 2002 (SSI 2002/44)

Colin Campbell: The committee should ask whether the scheme complies with state aid rules.

Housing Revenue Account General Fund Contribution Limits (Scotland) Order 2002 (SSI 2002/45)

The Convener: The order contains a wee boo-boo that does not affect its substance. However, we will ask the Executive about it.

Damages (Personal Injury) (Scotland) Order 2002 (SSI 2002/46)

The Convener: No points arise on the order.

Instruments Not Subject to Parliamentary Control

Disease Control (Interim Measures) (Scotland) Order 2002 (SSI 2002/34)

The Convener: The order contains a few typos, but that is okay. However, the final bracket is missing from the end of paragraph 3. Heads must roll.

Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002 (SSI 2002/38)

The Convener: Now we get to the ear tags. It is reasonable to ask the Executive to clarify what effect article 4 will have. For example, who will put on the tags? Who will be responsible for changing them?

Gordon Jackson: At this point, the *Official Report* should show that the member for Govan yawned.

Colin Campbell: As did the member for Anniesland.

The Convener: We will ask the Executive about the ear tags.

Ian Jenkins: I can assure the committee that these are very important issues for people.

The Convener: Exactly. I thank members for their attendance.

Meeting closed at 12:21.

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