

SUBORDINATE LEGISLATION COMMITTEE

Wednesday 5 June 2002
(Morning)

Session 1

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SUBORDINATE LEGISLATION COMMITTEE

19th 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)

*Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab)

Murdo Fraser (Mid Scotland and Fife) (Con)

*Gordon Jackson (Glasgow Govan) (Lab)

COMMITTEE SUBSTITUTES

Mr Kenny MacAskill (Lothians) (SNP)

Mr Brian Monteith (Mid Scotland and Fife) (Con)

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

*attended

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

Wednesday 5 June 2002

(Morning)

[THE CONVENER opened the meeting at 11:36]

The Convener (Ms Margo MacDonald): I welcome everyone to the 19th meeting of the Subordinate Legislation Committee. We have received apologies from Murdo Fraser, who should be back among us next week. No other apologies have been received.

Delegated Powers Scrutiny

Criminal Justice (Scotland) Bill: Stage 1

The Convener: The first item on the agenda is delegated powers scrutiny of the Criminal Justice (Scotland) Bill, which is at stage 1. Several questions on the bill have arisen, many of which concern not the policy, but the procedure and the way in which the new powers that are to be vested in the Scottish ministers are to be exercised. The committee has made a point of questioning the use of Henry VIII powers—using subordinate legislation to amend primary legislation—and there are several instances of that in the bill. I therefore suggest that we collate our questions, forward them to the Executive officials and ask them to come to the committee next week to answer questions. Is that agreed?

Members indicated agreement.

Gordon Jackson (Glasgow Govan) (Lab): This is a significant piece of our legislative programme and we have received a substantial legal briefing, for which we are grateful—if that is the right word. I agree that we need witnesses to come to clarify some issues.

The Convener: Yes. That is what we will ask for. There are questions such as whether, if pilot schemes were running, it would be okay to allow a negative resolution procedure to be followed although an affirmative resolution procedure might normally be required.

The committee should record its thanks to the people who service it, as a tremendous amount of work has gone into our briefing.

Executive Responses

Welfare of Farmed Animals (Scotland) Amendment Regulations 2002 (draft)

The Convener: The Executive has intimated that it is withdrawing the draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2002 and that a new, amended version of the regulations, which reflects the comments of the committee, has been laid. It is suggested that we take no further action. Is that agreed?

Members indicated agreement.

The Convener: Three cheers for the committee.

Draft Instruments Subject to Approval

Welfare of Farmed Animals (Scotland) Amendment Regulations 2002 (draft)

The Convener: No points arise on the regulations.

Instruments Subject to Annulment

St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2002 (SSI 2002/248)

Colin Campbell (West of Scotland) (SNP): No points arise on the regulations.

Education (Assisted Places) (Scotland) Amendment Regulations 2002 (SSI 2002/249)

Bill Butler (Glasgow Anniesland) (Lab): Seems fine, convener.

The Convener: Fine. No points arise on the regulations.

Civil Legal Aid (Scotland) Amendment (No 2) Regulations 2002 (SSI 2002/254)

The Convener: A question of consolidation arises in respect of the regulations. We should perhaps ask the Executive whether it has a timetable for consolidation. Is that agreed?

Members indicated agreement.

**TSE (Scotland) Regulations 2002
(SSI 2002/255)**

The Convener: The regulations are made under section 2(2) of the European Communities Act 1972. They consolidate with amendments a large number of regulations that have been introduced as a result of the BSE crisis—just the sort of stuff that the committee loves. Once again, a considerable number of questions arise. We should perhaps ask for those to be collated for us so that we can put them to witnesses next week. Is that agreed?

Members *indicated agreement.*

The Convener: I thank members for their attendance.

Meeting closed at 11:40.

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