# SUBORDINATE LEGISLATION COMMITTEE

Tuesday 10 September 2002
(*Morning*)

Session 1

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## Tuesday 10 September 2002

# SUBORDINATE LEGISLATION COMMITTEE
## 24th 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

*Tuesday 10 September 2002*

(*Morning*)

[THE CONVENER *opened the meeting at 11:28*]

**The Convener (Ms Margo MacDonald):** I welcome everyone to the 24th meeting this year of the Subordinate Legislation Committee. We have apologies from Colin Campbell, who is in Namibia at some Commonwealth parliamentary conference or other. We expect to hear great things from Namibia in the near future and from Glasgow, because Brian Fitzpatrick is attending a hospital board meeting and may not get here in time for this meeting. Murdo Fraser said last week that he was going to Gibraltar, I am happy to say, to keep Gibraltar British.

**Gordon Jackson (Glasgow Govan) (Lab):** Did he say when, though?

**The Convener:** He may indeed be doing God's work in Gibraltar.

## Delegated Powers Scrutiny

### Local Government in Scotland Bill: Stage 1

**The Convener:** The Executive's response to our questions was pretty full and we feel that we do not need witnesses. Members will remember that we said last week that our determination of whether we would need witnesses would depend on the Executive's answers. Our determination is that the explanation was full and that we do not need witnesses. Is that okay?

**Members** *indicated agreement*.

### Public Appointments and Public Bodies etc (Scotland) Bill: Stage 1

11:30

**The Convener:** Members have a separate legal brief for the bill. We know this bill as the bonfire of the quangos, or at least gas at a peep or something. The bill has two main purposes. Part 1 will establish a commissioner for public appointments in Scotland and confer functions on the commissioner in relation to the monitoring of the procedures for Scottish ministers' appointments to those public bodies specified in the bill. Part 2 will abolish six non-departmental public bodies, with provision for the consequential effects of such abolition, and create one new body, the national survey of archaeology and buildings in Scotland. Part 2 will also grant limited notarial powers to conveyancing and executry practitioners.

We have questions about the use of Henry VIII powers that are similar to questions that we have previously put to the Executive. Does anyone want to speak to section 3(2)(a)? It allows the amendment of schedule 2, which lists the specified authorities. The Scottish ministers will be able to amend schedule 2 by order, allowing further bodies to be added to or existing bodies to be removed from the list. Members will see that that will obviously give ministers a considerable power to affect the way in which the commissioner can act in relation to monitoring the whole procedure. Is anyone concerned about that?

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** This is a Henry VIII power and we are always slightly worried when ministers can amend the parent act by subsequent regulation. In this case we recognise that there probably will need to be adjustments to the list, but we wonder why the Executive has not used the affirmative procedure instead of the negative procedure, so that the Parliament could acknowledge that amending the list is reasonable. A similar sort of thing comes up with section 3(2)(b), which is the amendment of the commissioner's functions in relation to specified authorities, but in this case that power will be subject to the affirmative procedure. Therefore, it is reasonable to ask the Executive why it has not used the affirmative procedure in both cases.

**The Convener:** Yes, the committee would welcome a bit of consistency—or certainly an explanation as to why there is no consistency. It may have been an oversight. We will seek explanations from the Executive on that.

In part 2 of the bill, section 5(2) deals with the transfer of trust property to health boards and will allow for all sorts of consultation with the health authorities—which is very good—and for the minister to keep his eye on the disposal of public assets. Certainly, in the light of the experience in Edinburgh, where the disposal of hospital assets caused a bit of upset, it seems to me that this provision is good.

**Bill Butler (Glasgow Anniesland) (Lab):** Yes, the power would seem appropriate.

**The Convener:** Section 5(4) deals with further transfer of property and that seems a perfectly suitable use of delegated powers.

Section 7(8) deals with the terms and conditions of loans and borrowing.

**Gordon Jackson:** You would need to have that kind of thing in subordinate legislation. You could have that in the bill, but you would not.

**The Convener:** Yes, it is a perfectly proper use of subordinate legislation. It is proposed that the regulations under that power be subject to annulment. Is that okay?

**Members** *indicated agreement*.

**The Convener:** Section 8(1) deals with endowment schemes.

**Ian Jenkins:** We do not need to take any points on that.

**The Convener:** Right, because again there will be prior consultation.

Section 14 provides that independent conveyancing practitioners may exercise certain specified functions of a notary public. I do not know whether we are just getting at lawyers. Do any of the lawyers on the committee feel ill done by the section, or is it an advance in legal and social justice terms? Perhaps the consumer will be advantaged by it. I do not know.

**Gordon Jackson:** If we are going to have independent conveyancing practitioners—I do not think that there are many—it is hard to see why we would disadvantage them by not allowing them to perform the functions of a notary public. That seems petty. I have no difficulty with the section.

**Ian Jenkins:** The order-making power in section 14(5) is technically a Henry VIII power, but it is subject to the affirmative procedure. It is therefore acceptable to the committee.

**The Convener:** It will not be used every week anyway, will it? The Executive could not do wicked things and subvert the bill by using the power.

**Gordon Jackson:** Laying down what notarising powers independent conveyancing practitioners can have is hardly likely to be the end of civilisation as we know it.

**The Convener:** The committee is content. Good. We have only to be consistent. We must note that section 14(5) contains a Henry VIII power, but that, in this instance, there is a narrow field for potential action and we are prepared to agree to the provision because the Executive has gone for the affirmative procedure.

Section 15 of the Bill establishes the national survey of archaeology and buildings of Scotland and section 16 specifies its functions. Section 17(1) enables the Scottish ministers by order to

"confer on the National Survey such additional function as they consider appropriate."

**Bill Butler:** Any order is subject to the affirmative procedure. The provision is therefore satisfactory.

**Ian Jenkins:** Section 17(1) allows the Executive to change the national survey's functions after the bill has been passed. Because the power is subject to the affirmative procedure, it is probably okay.

**The Convener:** Once again, it does not appear to threaten civilisation. The Scottish ministers would be able to change the functions to

"such additional function as they consider appropriate."

What does that mean? We could ask them what additional functions they might want to give the national survey.

**Bill Butler:** We could ask the Executive by letter.

**The Convener:** Och, aye—there is no problem with that. We will ask, "What do you have in mind?"

Section 22 is the power to make ancillary provisions. It is a catch-all clause, such as we have commented on in the past. We know that situations change and that ministers must have some flexibility to deal with that. We have conceded the point in the past that legislation should contain such a provision. The power is subject to the affirmative procedure, so are we willing to put it through on the nod, as we have done in the past?

**Bill Butler:** It seems well precedented.

**The Convener:** That is the issue. We have created a rod for our own backs in some ways. Perhaps the committee's job is to decide when we cannot allow such a provision through on the nod.

**Gordon Jackson:** I am easy.

**The Convener:** There are no comments on the commencement provisions in section 24.

Section 2 provides that one of the commissioner's functions is to prepare and publish a code of practice in respect of the making of public appointments. We have a slight quibble, simply because of the way in which it is set out. Section 2(4) provides that the commissioner, in preparing the code of practice, must consult the Parliament. What does that mean? Who will the commissioner consult and how will they consult? The bill does not tell us the rules to which we must stick.

**Gordon Jackson:** I have just looked at that provision in the section. It says:

"In preparing the code of practice, … the Commissioner must consult the Parliament".

That is an odd statement. That the Parliament should be consulted sounds a good idea, but when we try to analyse what it means, we find it is odd.

**The Convener:** That is why it is worth while asking the Executive what it means by "consult the Parliament".

**Gordon Jackson:** It is hard to know what it means. It is an odd provision. How does the commissioner consult the Parliament?

**The Convener:** The provision is important. There are many hands-off organisations now. Those organisations must operate by predetermined codes of practice, regulations or rules. If they are allowed to change those, what democratic scrutiny is there of those changes? Section 2(4) is obviously an attempt to provide some democratic scrutiny by saying that the commissioner must consult the Parliament. However, we do not know who will be consulted.

**Ian Jenkins:** The chances are that the changes would go to the appropriate committee for discussion.

**The Convener:** We do not know that.

**Ian Jenkins:** I agree. It is not specified.

**Gordon Jackson:** The commissioner could perhaps consult the Parliament by sending out consultation details to the members so that every member has a chance to comment. The section also says:

"the Commissioner must consult … the Scottish ministers".

I can see how they will consult the Scottish ministers: they will just write to the Scottish ministers to ask what their view is.

**The Convener:** The section refers to the Parliament. It does not refer to a committee of the Parliament; it says that the commissioner must consult the Parliament.

**Gordon Jackson:** It also does not refer to the members of the Parliament. "Consult the Parliament" is an odd phrase. I do not know what it means. I cannot put flesh on it at all. I cannot envisage how it works.

**The Convener:** It is worthy of a letter asking for an explanation. I suspect that the issue will come up again.

**Members** *indicated agreement*.

**The Convener:** Nit-pickers are us.

**Gordon Jackson:** Have we come across such a provision before? Can the legal adviser think of any United Kingdom legislation that uses the phrase "shall consult the Parliament"? I have never seen that phrase, but that does not mean that it does not exist.

**The Convener:** The legal adviser has not seen it. That does not mean to say that it does not exist, but it is certainly not common and not clear. We will write for clarification.

# Executive Responses

## Scottish Secure Tenants (Compensation for Improvements) Regulations 2002 (SSI 2002/312)

**The Convener:** Does the committee agree that we should draw the regulations to the attention of the lead committee on the grounds of failure to comply with proper drafting practice in regulation 2, doubt as to whether regulation 4 is technically intra vires and defective drafting in regulation 4(b)(iii), regulation 7 and regulation 8(2). "Defective drafting" always sounds more condemnatory than it might be. It could mean that the Executive was a bit sloppy or untidy.

**Gordon Jackson:** "A bit sloppy" sounds a bit condemnatory to me.

**The Convener:** Yes, but I said it with a smile.

We asked the Executive to explain why regulation 2 includes a definition of "the 1987 Act", given that the term is already defined within the parent act. The Executive acknowledges that that definition is unnecessary. That is a matter of proper drafting practice. The Executive was perhaps trying to over-egg the pudding, but it departs from normal drafting practice.

Section 30(4) of the Housing (Scotland) Act 2001 states that compensation is not payable in the circumstances that are set out in paragraphs (a) to (c) of that subsection. The regulation-making power in section 30(4) is to prescribe the circumstances in which a tenancy comes to an end for the purposes of the subsection and the amount of compensation for the purposes of paragraph (c) of the subsection. The Executive was asked to explain why regulation 4 is drafted as prohibiting the payment of compensation, rather than prescribing the matters referred to in the enabling power. That is quite important for someone at the receiving end of all of this. The Executive concedes that there was no need to refer to the fact that compensation was not payable, thanks the committee very much for raising the point and says that it will introduce a clarificatory amendment. We will also draw the question of whether the provision is intra vires to the attention of the lead committee and Parliament.

11:45

**Ian Jenkins:** It is good that the Executive is willing to amend the provision when the opportunity arises.

**The Convener:** We should also draw points of possible defective drafting in regulation 4 and regulation 7 to the attention of the lead committee and the Parliament.

We also asked whether the Executive meant to stipulate that people who were making oral representations under the regulations had to be accompanied by a responsible person. Obviously, it did not. It concedes that its intention might have been more clearly expressed and confirms that it will lodge an amendment at a convenient opportunity to clarify the regulation. We will draw that case of defective drafting to the lead committee and the Parliament.

## Scottish Secure Tenancies (Abandoned Property) Order 2002 (SSI 2002/313)

**Ian Jenkins:** This order needed to be cleared up a little, and much of the Executive's explanation does that. We should draw to the lead committee's attention the fact that the Executive has helpfully provided a full response.

**The Convener:** Yes. Lollipops all round.

## Scottish Secure Tenancies (Exceptions) Regulations 2002 (SSI 2002/314)

**The Convener:** On these regulations, we raised two points of possible defective drafting in relation to technicalities in the wording. However, the Executive has put its hands up and said that it will introduce an amending instrument. We must thank it for that and draw its response to the attention of the lead committee.

## Scottish Secure Tenants (Right to Repair) Regulations 2002 (SSI 2002/316)

**The Convener:** The committee will refer these regulations to the lead committee and the Parliament. We believed that the Executive's meaning could have been clearer on several points, and it has now supplied that clarification. Moreover, there were quite a number of cases of defective drafting.

**Ian Jenkins:** We should accept the legal team's comments on the response and refer everything to the lead committee.

**The Convener:** As the regulations relate to tenants' rights, they are very close to the application of and the policy intentions behind the Housing (Scotland) Act 2001. As a result, we will ask the lead committee to note our comments, please.

**Bill Butler:** We could also draw to the lead committee's attention the Executive's explanation that it has basically replicated existing regulations that are well understood by those who are affected by them.

**The Convener:** We are talking about the application of policy, and it is up to the lead committee to work these things out.

## Housing (Right to Buy) (Houses Liable to Demolition) (Scotland) Order 2002 (SSI 2002/317)

**The Convener:** We asked the Executive to clarify whether "the applicant" and "the tenant" mentioned in article 3(c)(iv) are the same person, and if so, why a different term has been used. Such a detail might seem like nit-picking to people who are not familiar with the committee's ways. However, we have to be consistent in how we describe the person who is affected by the order. If the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001, refers to a "tenant", the subordinate legislation should do so as well. We can draw that matter to the attention of the lead committee and the Parliament on the grounds that the provision might not be intra vires.

## Housing (Scotland) Act 2001 (Scottish Secure Tenancy etc) Order 2002 (SSI 2002/318)

**The Convener:** The same points apply to this order. I have to say that we keep raising the same points about the failure to comply with proper drafting practice, possible defective drafting, lack of clarity and whether a provision is intra vires. Is that because the Executive is building on previous legislation and is simply trying to make things consistent? I do not know. We seem to be raising the same points time and time again. However, we will refer the order to the lead committee and the Parliament on the ground that, as the Executive has acknowledged, article 4(2)(b) and (c) are defectively drafted.

## Environmental Impact Assessment (Scotland) Amendment Regulations 2002 (SSI 2002/324)

**The Convener:** The Executive has acknowledged that regulation 2(3) is defectively drafted and has undertaken to introduce an amending instrument. We thank it for doing so. As the effect of the regulations as drafted is wholly unclear, we welcome the Executive's proposal to amend them as soon as possible.

I should mention that the regulations refer to ROMP applications. However, they are much less exciting than it would appear at first glance—ROMP stands for "review of an old mineral possession".

## Common Agricultural Policy (Wine) (Scotland) Regulations 2002 (SSI 2002/325)

**The Convener:** The committee will recall that we discussed these regulations last week. Did we decide that we had a wine commission for Scotland? I think that the European Union

regulations state that every country, whether it makes wine or not, has to have such a commission. I stand to be corrected, but I am sure that we have a body that looks after wine.

**Bill Butler:** We all have a body that looks after wine.

**The Convener:** We will consult on that. Indeed, I meant to check before I came to the committee this morning. There would certainly be some queue to join that body.

The regulations may contain defective drafting and questionable style, and we still require an explanation of the Executive's meaning on one point. The regulations contain references to a huge amount of European Community legislation and we have noted an inconsistency in the way in which regulation 2 defines Community legislation. Some references are included in the body of the text whereas others are consigned to a schedule. We suggested that it might be more reader friendly to list all the relevant provisions in a schedule. We asked the Executive to agree to our suggestion, but it did not. I am not prepared to fight with it about that. I am sure that, in this case, the Executive knows best, although I might not understand its reason.

Words are missing from regulation 11(2), and the Executive has agreed that that was a mistake. We can draw the attention of the lead committee and the Parliament to regulation 11(2), on the ground of that defective drafting, which the Executive has acknowledged.

Our regulations should follow the English regulations—they should be the same. Sometimes that does not matter, but in the case of European regulations and directives, it does matter. The Common Agricultural Policy (Wine) (Scotland) Regulations 2002 differ from the English regulations, and we should ask the Executive to explain why.

**Ian Jenkins:** The Executive gave that explanation.

**The Convener:** What did it say?

**Ian Jenkins:** It gave a good reason—court practices—for that difference.

**The Convener:** That is right. I am sorry—I completely missed that point. That was my fault.

**Bill Butler:** We could draw the Executive's explanation to the attention of the lead committee and the Parliament.

## Late Payment of Commercial Debts (Rate of Interest) (Scotland) Order 2002 (SSI 2002/336)

**The Convener:** Members will recall that we raised a point about sub-delegation in relation to this order. We asked whether such sub-delegation was intra vires. The explanation that we received from the Executive is perfectly reasonable, although I thought that it got a wee dig in at us when it said that the order is the fourth statutory instrument to be made under the relevant power. It did not say that we had not noticed the other three statutory instruments, but I felt that that was what it implied.

## Education (Disability Strategies) (Scotland) Regulations 2002 (SSI 2002/391)

**The Convener:** I do not know about other members of the committee, but I felt that, for whatever reason, the Executive did not want to acknowledge that it had not been specific enough in the regulations.

Section 1(2) of the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 says

"an accessibility strategy is a strategy for, over a period"—

The phrase "over a period" is also used in section 2(1). However, "over a period" is not a precise term. We asked the Executive to tell us specifically when the provision will come into effect, as that would be helpful to people who are seeking that information. Although the Executive gave us an answer to that question, it was not satisfactory, because, in my view, a mistake was made in the drafting of the act. Do members have any comments?

**Bill Butler:** We can only point that out to the lead committee.

**Ian Jenkins:** The difficulty is whether the phrase "up to three years" counts as a prescribed period. In logical terms, it is quite clear that it does not, as that is not precise enough.

**The Convener:** I sympathise with what the Executive is trying to achieve in policy terms.

**Ian Jenkins:** The Executive is trying not to be dogmatic about a specific moment in time, but that is what the act appears to ask for. Personally, I would not get uptight about this point, but, in strict drafting terms, there is a complication and I do not think that the Executive's note gets it out of that complication. I do not think that it is a wicked mistake.

12:00

**The Convener:** I am sure that, in policy terms, the Executive does not mean to be wicked. I have every sympathy with the Executive's policy. The drafting was not very good, but the Executive did not agree with us and tried to stand on its point. We will draw the regulations to the attention of the lead committee and the Parliament.

### Late Payment of Commercial Debts (Interest) Act 1998 (Commencement No 6) (Scotland) Order 2002 (SSI 2002/337)

**The Convener:** I will not test members on this order. We will simply draw it to the attention of the lead committee and the Parliament. It is doubtful whether the order should have taken the form of an instrument, because—

**Bill Butler:** There are various technical reasons for that. We could refer those reasons to the lead committee and the Parliament, so that they can look into them.

**Gordon Jackson:** We should warn them that if they think about the order for too long, they will be taken away by men in white coats—they will be carried out of the room screaming.

**The Convener:** We will include that comment as an informal footnote in our report to the convener of the lead committee.

## Instruments Subject to Approval

### Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (No 3) (Scotland) Order 2002 (SSI 2002/408)

**Bill Butler:** The order seems to be fine.

**The Convener:** No problems arise.

## Instruments Subject to Annulment

### Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Scotland) Regulations 2002 (SSI 2002/397)

**The Convener:** These regulations implement the Commission directive on substances that may be added for specific nutritional purposes to foods for particular nutritional uses. Substances that are added for nutritional uses to baby foods are controlled under separate legislation and are excluded from these regulations. Similar regulations have already been made in England. [*Interruption.*] I see that the only member of the public is leaving. She may have had enough. That is all right—perhaps she will come back for more next week.

Unlike the English regulations, the preamble to the regulations contains no reference to the consultation requirement that is imposed by article 9 of Regulation (EC) No 178/2002, which provides that:

"There shall be open and transparent public consultation, directly or through representative bodies, during the preparation, evaluation and revision of food law, except where the urgency of the matter does not allow it".

As the requirement for public consultation came into force only in March, the European Committee probably does not know about it. We should draw that to the attention of that committee.

We should ask the Executive why, in this instance, it has not referred to Regulation (EC) No 178/2002 in the preamble because, according to the European regulations, it is supposed to do so.

**Members** *indicated agreement*.

### Road Traffic (Permitted Parking Area and Special Parking Area) (Perth and Kinross Council) Designation Order 2002 (SSI 2002/398)

**The Convener:** This order is a lulu. For a start, there is a deliberate error in the title of the order, because we think that the name of the place is actually Perthshire and Kinross. We should ask the Executive to explain why the order gives the area a different name from what it is called in the Local Government etc (Scotland) Act 1994.

Moreover, the Greater London Authority Act 1999 amendments to the Road Traffic Act 1991 and the Road Traffic Regulation Act 1984 have not—and should have been—reflected in the order. Such an omission gives rise to a number of questions that need an explanation.

## Parking Attendants (Wearing of Uniforms) (Perth and Kinross Council Parking Area) Regulations 2002 (SSI 2002/399)

**The Convener:** The committee will be pleased to hear that no points arise on this instrument.

## Road Traffic (Parking Adjudicators) (Perth and Kinross Council) Regulations 2002 (SSI 2002/400)

**The Convener:** We have a couple of questions for the Executive about these regulations. For a start, why does regulation 4 not make any provision for informing an appellant of the outcome of a request for an extension to the time limit for appealing? Given the definition of "proper officer" in regulation 2, why does regulation 11(1)(a) refer to "administrative staff"? Furthermore, the regulations are not drafted in a gender-neutral format, which is a point that we usually comment on.

The proposed regulations on parking in Perth and Kinross are a bit of a dog's breakfast. For example, one interpretation is that the Greater London Authority can dictate the uniform that parking attendants in Perth and Kinross must wear.

**Gordon Jackson:** The mind boggles.

**The Convener:** However, if the Executive has called the area by the wrong name in the first place, the GLA will perhaps not have such a power.

I can see that it is much too late on in the meeting to take up that issue with the committee. Still, we have to ask the Executive some serious questions about this order.

**Gordon Jackson:** There is a more important question about why the Executive does not include in regulations the requirement that people have to be informed of certain things. It is all very well to say that that is done administratively, although I am sure that in practice it is carried out decently. However, compared with other aspects that we have picked up on, that seems a substantive provision to leave out of regulations. I am surprised that the answer is that such a provision is covered administratively.

**The Convener:** We should not just let that go by.

**Ian Jenkins:** We asked previously about such provision in the Glasgow regulations. The Executive acknowledged that we had a point, but said that in practice it would not make much difference. However, the Executive has produced new regulations, so the provision to inform people should be incorporated in them.

**Gordon Jackson:** We are entitled to object to that provision not being included in the regulations. If the regulations for Glasgow and everywhere else missed out the provision for informing people but the Executive said that that was done administratively, that is okay. The regulations had been printed, so that was fine. However, given that we made the point to the Executive, it should not have missed out the provision the next time that it produced such regulations. We are entitled to say to the Executive that we made a serious point, which it accepted. We did not make a fuss previously, because we accepted that administration would deal with the point in practice. However, the Executive has done the same thing again. That is a wee bit remiss of it, to be honest. It is as if somebody just did not check that out again. The point did not get noted and the previous regulations were just copied. That is not entirely good.

**The Convener:** We will inform the Executive.

**Gordon Jackson:** If we just ask the Executive why it has left out the provision to inform, we will get the same answer again. Presumably we will inform the Executive that although it agreed with our point previously, it has done the same again.

**The Convener:** We will make the point that we do not seem to have progressed since the Glasgow and Edinburgh regulations.

## Conservation of Seals (Scotland) Order 2002 (SSI 2002/404)

**The Convener:** The order prohibits the killing, injuring or taking of common seals.

**Bill Butler:** It seems fine.

## Electricity Act 1989 (Requirement of Consent for Offshore Generating Stations) (Scotland) Order 2002 (SSI 2002/407)

**Gordon Jackson:** The order is fine.

**The Convener:** No points arise.

## Instruments Not Subject to Parliamentary Control

### Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 9) (Scotland) Revocation Order 2002 (SSI 2002/401)

### Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (Scotland) Revocation Order 2002 (SSI 2002/402)

### Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (No 2) (Scotland) Revocation Order 2002 (SSI 2002/403)

### Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 5) (Scotland) Partial Revocation (No 2) Order 2002 (SSI 2002/409)

**Gordon Jackson:** They all seem fine.

**The Convener:** No points arise.

## Instruments Not Laid Before the Parliament

### Education (Listed Bodies) (Scotland) Order 2002 (SSI 2002/406)

**Gordon Jackson:** This is just an updating of a list, is not it?

**The Convener:** Yes. No points arise. There is a continuing case about someone who sells degrees from, I think, Glasgow and Edinburgh over the internet and cannot be stopped from doing so. Did you see that?

**Gordon Jackson:** No.

**The Convener:** It is nothing to do with the order, but I just thought that it might have some sort of relevance.

That is the end of business. I will see you again next week when, I have to tell you, there will be even more work.

*Meeting closed at 12:12.*

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