

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 10 December 2002
(Morning)

Session 1

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SUBORDINATE LEGISLATION COMMITTEE

35th 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

Jackie Baillie (Dumbarton) (Lab)

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 December 2002

(Morning)

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

The Deputy Convener (Ian Jenkins): Welcome to the 35th meeting this year of the Subordinate Legislation Committee. We have apologies from Margo MacDonald, Gordon Jackson and Brian Fitzpatrick—who may be late. We expect Bill Butler later.

Executive Responses

Seeds (Miscellaneous Amendments) (Scotland) Regulations 2002 (SSI 2002/520)

The Deputy Convener: The first item is executive responses to points that we made last week. We asked the Executive three questions on the regulations, to which it has given us good answers. On our first point, the Executive has acknowledged the drafting errors and expresses gratitude to the committee. The Executive will prepare an instrument to correct the errors as a matter of urgency. We are pleased about that.

Colin Campbell (West of Scotland) (SNP): Should we be polite and tell the lead committee?

The Deputy Convener: We need to draw the regulations to the attention of the lead committee on the ground of defective drafting, but state that the Executive acknowledges the errors and will bring forward an amending instrument.

Murdo Fraser (Mid Scotland and Fife) (Con): I have no wish to be pedantic, but—

Colin Campbell: This is just the committee for that.

Murdo Fraser: The Executive acknowledged our first two points, but has not acknowledged our third point. Perhaps the lead committee needs to be aware that the amending instrument may not cover that third point.

The Deputy Convener: Okay. That is to do with the misplaced modifier, is it not?

Murdo Fraser: That is the one.

The Deputy Convener: We will also draw that to the attention of the lead committee.

Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Amendment Regulations 2002 (SSI 2002/521)

The Deputy Convener: Again, we may draw the attention of the lead committee and the Parliament to the regulations on the ground of defective drafting, which was acknowledged by the Executive in response to our first point.

Our second and third points raised the issue that Gordon Jackson was particularly exercised about last week, which is the general standard of drafting and the mechanisms whereby that is addressed before instruments come to the Subordinate Legislation Committee. The Executive has acknowledged some of our points on the regulations, but has not amended everything that we wanted amended because the Executive believes that those points do not affect the regulations hugely. However, we might want to address this issue to the appropriate authorities at an informal meeting at another time, rather than make a fuss about these particular regulations. Is that fair?

Members indicated agreement.

Draft Instruments Subject to Approval

Scottish Parliament (Disqualification) Order 2003 (draft)

The Deputy Convener: The second item on the agenda is draft instruments subject to approval. Looking at the rest of the agenda, I am delighted to say that we will find that the quality of drafting has suddenly improved hugely, perhaps as a result of our comments last week, and we can go through the instruments fairly quickly, I think.

No points of substance on the draft order have been identified. However, we have a query about the reference to the "Dairy Produce Quota Tribunal constituted under the Dairy Produce Quotas Regulations 1984", because we understand that that tribunal has been split into three separate tribunals and reconstituted under The Dairy Produce Quotas (General Provisions) Regulations 2002 (SI 2002/458). If that is the case, the draft order might need to be tweaked. Is that fair enough?

Members *indicated agreement.*

Scottish Local Government Elections Regulations 2002 (draft)

Extended Sentences for Violent Offenders (Scotland) Order 2003 (draft)

The Deputy Convener: No points arise on either the regulations or the order.

Instruments Subject to Annulment

Kava-kava in Food (Scotland) Regulations 2002 (SSI 2002/523)

Colin Campbell: Kava-kava is the herbal ingredient derived from *Piper methysticum*, is it not?

The Deputy Convener: I think so. At any rate, kava-kava is a member of the pepper family, which is apparently native to many Pacific ocean islands, none of which I have been to, but I am told that—

Colin Campbell: Kava-kava has something to do with liver toxicity, does it not?

The Deputy Convener: Absolutely. Lots of things can damage your liver, including kava-kava. Anyway, as a piece of legislation the regulations seem to have been beautifully drafted and no points arise on them.

Bill Butler (Glasgow Anniesland) (Lab): Absolutely not.

Colin Campbell: Just stay off kava-kava.

Food Labelling Amendment (Scotland) Regulations 2002 (SSI 2002/524)

Bill Butler: These regulations are not as exotic as the previous ones. They seem okay, as no points of substance arise.

The Deputy Convener: That is good. We need to watch carefully for any labelling that involves kava-kava.

Seeds (Fees) (Scotland) Regulations 2002 (SSI 2002/526)

Colin Campbell: The regulations seem to be all right.

Murdo Fraser: Apart from a few minor typing errors.

The Deputy Convener: Indeed. Those can be drawn to the attention of the drafters by informal letter.

**Smoke Control Areas (Authorised Fuels)
(Scotland) Amendment Regulations 2002
(SSI 2002/527)**

**Road Traffic (NHS Charges) Amendment
(No 2) (Scotland) Regulations 2002
(SSI 2002/528)**

**Poultry Breeding Flocks, Hatcheries and
Animal By-Products (Fees) (Scotland)
Order 2002 (SSI 2002/529)**

The Deputy Convener: No points arise on the instruments.

**Sheep and Goats Identification (Scotland)
Amendment (No 2) Regulations 2002
(SSI 2002/531)**

The Deputy Convener: We move on to regulations that have a biblical resonance.

Murdo Fraser: I took this as a reference to the coalition partners.

Colin Campbell: Woah!

The Deputy Convener: Well!

Colin Campbell: Tell one from the other.

Bill Butler: Obviously, Murdo failed Bible class.

The Deputy Convener: Which are on the right hand and which are on the left hand?

Colin Campbell: As long as it is my right and left hands it does not matter.

Bill Butler: It depends which way you are looking.

The Deputy Convener: Anyway, in legal terms no points arise on the regulations. We will move swiftly on.

**Community Care (Joint Working etc)
(Scotland) Regulations 2002 (SSI 2002/533)**

Colin Campbell: There are no problems with the regulations.

The Deputy Convener: I wonder about the word "etc". I am not quite sure about that word. However, no points arise on the regulations.

**NHS Quality Improvement Scotland Order
2002 (SSI 2002/534)**

Murdo Fraser: No points arise on the order.

The Deputy Convener: Again, there are no points. This a pointless exercise at the moment.

Colin Campbell: You do not want that on the record.

The Deputy Convener: No. We will put that in inverted commas, I think.

**NHS Quality Improvement Scotland
(Transfer of Officers) Regulations 2002
(SSI 2002/535)**

**Plant Protection Products Amendment
(No 3) (Scotland) Regulations 2002
(SSI 2002/537)**

**Removal and Disposal of Vehicles
Amendment (Scotland) Regulations 2002
(SSI 2002/538)**

The Deputy Convener: No points arise on the regulations.

Instruments not laid before the Parliament

Disease Control (Interim Measures) (Scotland) Amendment (No 2) Order 2002 (SSI 2002/530)

The Deputy Convener: No points arise on the order.

Colin Campbell: The order is about the movement of goats of either sex.

The Deputy Convener: Is it?

Colin Campbell: Yes, it is.

The Deputy Convener: That is interesting.

Murdo Fraser: For breeding purposes.

Colin Campbell: I was not going to mention that.

Pigs (Records, Identification and Movement) (Scotland) Amendment Order 2002 (SSI 2002/540)

The Deputy Convener: We have dealt with sheep and goats and we move on to pigs.

Bill Butler: We have a kind of Noah's ark here, but the order seems fine.

The Deputy Convener: Okay. No points arise on the order. I am glad to say that that brings us to the end of the meeting. Thank you for your attendance. I also thank the legal adviser for going through the instruments with a fine-toothed comb and the drafters for not giving us any problems.

Bill Butler: Thank you, convener.

Meeting closed at 11:26.

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