

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 2 September 2003  
*(Morning)*

Session 2

£5.00

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## SUBORDINATE LEGISLATION COMMITTEE

### 4<sup>th</sup> Meeting 2003, Session 2

#### CONVENER

\*Dr Sylvia Jackson (Stirling) (Lab)

#### DEPUTY CONVENER

Gordon Jackson (Glasgow Govan) (Lab)

#### COMMITTEE MEMBERS

\*Mr Stewart Maxwell (West of Scotland) (SNP)

\*Christine May (Central Fife) (Lab)

\*Mike Pringle (Edinburgh South) (LD)

\*Murray Tosh (West of Scotland) (Con)

\*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 2 September 2003

(Morning)

[THE CONVENER opened the meeting at 10:01]

**The Convener (Dr Sylvia Jackson):** I welcome members to the fourth meeting of the Subordinate Legislation Committee in this session. We have received apologies from Gordon Jackson, who is attending an away day, and from Murray Tosh, who is attending another meeting.

## Executive Responses

### Housing Grants (Assessment of Contributions) (Scotland) Regulations 2003 (draft)

**The Convener:** We raised six points on the regulations with the Executive. Do members have any comments?

The first question was about why certain definitions were included in the regulations. Also, reference to a relevant amendment is omitted from the footnote. The Executive's explanation for why such definitions are included is that certain on-going regulations require those definitions of terms. That seems to be reasonable. Is that agreed?

**Members indicated agreement.**

**The Convener:** However, the Executive agrees that the footnote omits the relevant amendment and it intends to rectify that omission in the final print of the regulations.

The Executive agrees with the committee's second point and it will correct the mistake at the next opportunity.

Our third question was about the phrase

"for the purposes of regulation 6"

in regulations 18 to 21. The Executive considered that, for the avoidance of doubt, it could do no harm to make it clear that the relevant income would also be taken into account or, as the case may be, determined for the purposes of those regulations. The Executive agrees that there was an omission from regulation 22(1) but it does not expect that to give rise to any practical difficulty. Are we happy with that?

**Mike Pringle (Edinburgh South) (LD):** I think so.

**Christine May (Central Fife) (Lab):** That seems like a reasonable explanation. [*Interruption.*]

**Mike Pringle:** Murray Tosh is not supposed to be here.

**Christine May:** No, he has apologised.

**Murray Tosh (West of Scotland) (Con):** It turns out that my meeting is taking place later on.

**The Convener:** I welcome Murray Tosh to the committee.

I am advised that we should make the point that the purpose of regulations 18 to 21 is to describe how income is to be calculated in regulation 6. In those circumstances, the words "and this regulation" in regulations 18 to 21 appear to be superfluous and confusingly circular. However, the omission of those words from regulation 22(1) should not cause any difficulty. Are we agreed on that?

**Members indicated agreement.**

**The Convener:** Our fourth question was slightly more serious. It was about the omission of mention of the Eileen trust and the other new trusts that were set up earlier this year to make payments to sufferers of new variant CJD. Although the omission was unintentional, the Executive accepts that it will have to introduce a statutory instrument as soon as possible. Is the committee happy with that?

**Members indicated agreement.**

**The Convener:** In answer to the committee's fifth question, the Executive agrees that it could have used better drafting practice and it will correct that at the earliest possible opportunity.

Our sixth question was about regulation 33(d) and the Executive intends to rectify its error at the next opportunity.

### Housing Grants (Minimum Percentage Grant) (Scotland) Regulations 2003 (draft)

**The Convener:** Members will recall that the issue with the regulations was about consistency. Terms are defined in the regulations that are already defined in the parent act. As I understand the situation, definitions are normally included in the parent act and it is not consistent to have them in the regulations as well. Are there any suggestions as to how we might proceed on that? The Executive seems to be saying that there is no harm in including such definitions in certain circumstances because they might be helpful to the reader.

**Christine May:** In that case, should those definitions be in the explanatory note to the regulations rather than in the regulations? I believe that an explanatory note always forms part of the document, although it is not a legal document.

**The Convener:** Are we agreed that we should ask the Executive to include such definitions in the explanatory note?

**Murray Tosh:** We should be asking for clarification on that rather than making a particularly heavy point about it. The official who spoke at last week's away day was clear that the Executive wants definitions to appear somewhere. It might be a small point for the Executive, but we should explore the issue before making the point.

**The Convener:** We could present it as a point of principle about consistency, and say that we do not believe that what is happening at the moment is consistent because such definitions are appearing in some instruments and not in others. Is that agreed?

*Members indicated agreement.*

### **Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2003 (draft)**

**The Convener:** We had doubts about the vires of the amendment order. The Executive was asked to confirm whether the power conferred by the parent act is sufficient to authorise the creation of the new criminal offences. Does the committee believe that the Executive's response that the situation is acceptable is sufficient or should we take the matter further?

**Mr Stewart Maxwell (West of Scotland) (SNP):** A doubt still exists. The Executive might want to be able to create new offences in that way for obvious reasons, but it is a dangerous precedent and we should not just let the matter drop at this point. There is a principle involved in creating new offences in this way as opposed to just modifying them. We should pursue that.

**The Convener:** Are we agreed that we should raise with the lead committee and the Parliament the fact that there are doubts as to whether the instrument is ultra vires?

*Members indicated agreement.*

### **Welfare of Farmed Animals (Scotland) Amendment Regulations 2003 (draft)**

**The Convener:** Members will recall that the draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2003 refer to the tethering and moving around of pigs. The first response that we received from the Executive

related to the delay in the measure. The Executive argued that the implementation measure does not become ultra vires simply by virtue of being late. The question is whether we accept that view. I gather that, legally speaking, the issue is on-going, so there is some uncertainty. We might wish to write a note to the lead committee on the matter.

**Mr Maxwell:** A note to the lead committee might be sufficient. Otherwise, I am minded to leave the matter be.

**The Convener:** We could point out that, although we have been reassured by the Executive on the issue, it is on-going. Is that agreed?

**Members:** Yes.

**The Convener:** The Executive has explained the situation with regard to tethering more clearly. It has covered what it aims to prohibit and has pointed out that, as certain provisions do not have effect until 1 January 2006, further regulations will be introduced nearer the time. Do members feel that that is a reasonable response?

*Members indicated agreement.*

**The Convener:** The last point under these regulations relates to the dimensions of the stall or pen in which the pig is moving around. I felt that the Executive's explanation on the matter was reasonable. Is that agreed?

**Christine May:** Yes. Our previous discussions on the matter led to some amusing interchanges between Gordon Jackson and myself on a formula for working out the dimensions of a pen. However, if the explanation from the Executive is reasonable, if the spirit of the relevant European directive is being implemented and if the regulations are physically implemented by breeders, then that is fine.

**The Convener:** Is it agreed that the Executive's response is reasonable?

*Members indicated agreement.*

### **Condensed Milk and Dried Milk (Scotland) Regulations 2003 (SSI 2003/311)**

**The Convener:** A number of points arose on these instruments. The Food Standards Agency accepted our first point, that the word "fat" is missing from an entry in column 2, item 1(c), in schedule 1 to the regulations. The agency will rectify the omission at the earliest opportunity. That is a matter of defective drafting.

On note 2 to schedule 1, the FSA points out that the heading to schedule 1 indicates that the additives to which note 2 refers are not intended to be added to the list of reserved descriptions and

designated products in the schedule. Are we happy about that?

**Members indicated agreement.**

**The Convener:** We raised the fact that the regulations breached the 21-day rule. We have been told that a technical issue arose. Members will find some explanation as to what happened at a later point in their papers. We are told that the progress of regulations implementing the European Community directives was delayed late on in the drafting process. FSA officials needed to revise substantially the accompanying regulatory impact assessments to ensure that they fully reflected the impact of the provisions contained in the directives concerning animal feed producers throughout the United Kingdom.

**Mr Maxwell:** This is not the first time that the issue of the 21-day rule has arisen. Indeed, we will come to it again later today. The Food Standards Agency has stated in its response that it takes the matter seriously, but the 21-day rule problem seems to recur, and I have doubts as to whether the Scottish parliamentary timetable is being taken into account in this instance. We have raised the issue before, but we should raise it again. It is perhaps time to meet representatives of the agency and discuss the matter. The exchange of letters on the matter dates back to the first session. I suggest that we arrange a meeting with the FSA to discuss the issue.

**The Convener:** Is the committee agreed on that?

**Members indicated agreement.**

10:15

**The Convener:** The FSA has stated that it would be happy to discuss the issues with us.

**Mr Maxwell:** I think that we should take up the agency's offer.

**The Convener:** That is agreed. The agency has reassured us that it is taking on board the point about timetabling. We will take up the matter, as it is a recurring one.

The agency also replied about outlining in the explanatory note the changes of substance that are to be made to existing legislation. We can cover the matter when we meet representatives of the FSA. Are we agreed?

**Members indicated agreement.**

### **Feeding Stuffs (Scotland) Amendment (No 2) Regulations 2003 (SSI 2003/312)**

**The Convener:** Most of the points that we raised under these regulations are similar to those that we have already discussed: they relate to the

21-day rule and to general issues and concerns, which have been covered by the response that we have received. No other points arise.

We move on to item 2, on draft codes.

**Christine May:** Convener, we have not yet considered the Agricultural Holdings (Scotland) Act 2003 (Commencement No 1) Order 2003.

**The Convener:** I am sorry—I turned over two pages in my papers.

### **Agricultural Holdings (Scotland) Act 2003 (Commencement No 1) Order 2003 (SSI 2003/248)**

**The Convener:** It is apt that we ensure that we cover this order today—we did not get it covered in the *Official Report* at the previous meeting. Is it agreed that no substantive points arise?

**Members indicated agreement.**

## Draft Code

10:18

### **Draft Code of Recommendations for the Welfare of Livestock: Cattle (SE 2003/175)**

**The Convener:** The draft code for cattle is similar to the regulations on pigs that we have already considered. No points arise on the draft code.

## Draft Instrument Subject to Approval

10:19

### **Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Modification) Order 2003 (draft)**

**The Convener:** Item 3 covers the draft Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Modification) Order 2003. No points arise on the draft order.

## Instruments Subject to Approval

10:20

**The Convener:** Item 4 is instruments subject to approval. The numbering is out in our papers: this is confirmed as item 4 on the agenda, although it is marked "Item 5" on our briefing paper.

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (No 2) (Scotland) Order 2003 (SSI 2003/321)**

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 3) (Scotland) Order 2003 (SSI 2003/365)**

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (East Coast) (Scotland) Order 2003 (SSI 2003/366)**

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (East Coast) (No 2) (Scotland) Order 2003 (SSI 2003/369)**

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 4) (Scotland) Order 2003 (SSI 2003/374)**

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (East Coast) (No 3) (Scotland) Order 2003 (SSI 2003/380)**

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 5) (Scotland) Order 2003 (SSI 2003/381)**

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 6) (Scotland) Order 2003 (SSI 2003/392)**

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (East Coast) (No 4) (Scotland) Order 2003 (SSI 2003/393)**

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (East Coast) (No 5) (Scotland) Order 2003 (SSI 2003/394)**

### **Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 7) (Scotland) Order 2003 (SSI 2003/397)**

**The Convener:** I will not go through the full list of orders, but they start with the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (No 2) (Scotland) Order 2003. That is SSI number 2003/321. The other instruments are numbers 365, 366, 369, 374, 380, 381, 392, 393, 394 and 397.

Do any points arise on the orders?

**Christine May:** After hearing you read them all out, one almost wishes that there were, but there are not.



## Instruments Subject to Annulment

10:21

### **Collagen and Gelatine (Intra-Community Trade) (Scotland) Amendment Regulations 2003 (SSI 2003/328)**

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

### **Products of Animal Origin (Third Country Imports) (Scotland) Amendment (No 3) Regulations 2003 (SSI 2003/333)**

**The Convener:** Do members want to raise any points on the regulations?

**Christine May:** Why will the regulations not come into force until 22 September, given that article 3 of Council directive 2002/33/EC obliges member states to incorporate it into law by 30 April 2003?

**The Convener:** That is the main point that members want to raise. It might not be urgent that the regulations come into force before 22 September, but we will ask the Executive.

### **Form of Repair Notice (Scotland) Regulations 2003 (SSI 2003/335)**

**The Convener:** Do members have any points to make on the regulations?

**Christine May:** The regulations change previous practice whereby all the forms of repair notice were contained in a single document. There is now a separate document for each form. I wonder whether that came about because dialogue with local authorities suggested that it would be simpler and easier. If the change was made without such discussion it would be useful to know why.

**The Convener:** I do not think that the clerks know, but we can ask the Executive. No other points of substance arise.

### **Form of Improvement Order (Scotland) Regulations 2003 (SSI 2003/336)**

**The Convener:** There appears to be an obvious problem with the regulations. Note 5 of the regulations states that an appeal can be brought within 21 days of the date of the order, whereas the enabling power states that notice of an appeal can be given within 21 days of the date of service of the order. There is a change of terminology there. Do members agree that we will raise that with the Executive as the main issue?

*Members indicated agreement.*

### **Housing Grants (Form of Cessation or Partial Cessation of Conditions Notice) (Scotland) Regulations 2003 (SSI 2003/337)**

**The Convener:** There are several points to make about where the wording of the regulations does not follow that of the parent act. We are all aware of the regulations and we want them to be correct. The legal adviser has made four points, which we can put on record. Do members have other points to make?

**Christine May:** I have a general concern that where unscrupulous builders or renovators of property can renovate property and let it or sell it on for letting purposes, any modifications or alterations for which public money is claimed must be compliant with all regulations and the legislation that brings such regulations into force should be drafted as tightly as possible. We have seen some horrendous results of the poor renovation of buildings.

**The Convener:** That goes back to what Murray Tosh said earlier about the substantive points that we should make to the Executive or to the Food Standards Agency, for example. It might be worth writing a letter about that, as well as pointing out what specifically needs to be altered.

**Mr Maxwell:** We have been talking about houses in multiple occupation. It is critical that any regulations that apply to them are watertight.

**The Convener:** Do we agree to state in the letter to the Executive that we are concerned that there appear to be so many points to make about the drafting of the regulations?

*Members indicated agreement.*

### **Housing Grants (Form of Notice of Payment) (Scotland) Regulations 2003 (SSI 2003/338)**

**The Convener:** We have a substantive point about paragraph 2 of the schedule to the regulations. It refers to section 246(6) of the Housing (Scotland) Act 1987 rather than to sections 246(1) and 246(2), but section 246(6) does not appear to impose the requirements in question. Do members have other points to add?

**Christine May:** There are a number of other minor points about references that are wrong and should be corrected.

**The Convener:** We will include those in a letter to the Executive.

**Environmental Impact Assessment (Water Management) (Scotland) Regulations 2003 (SSI 2003/341)**

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

**National Health Service (Compensation for Premature Retirement) (Scotland) Regulations 2003 (SSI 2003/344)**

**The Convener:** There is a lot of confusion about the regulations. Four points have been made about regulation 2 and the definition of “local authority” and various other points have been made. Are there any points in addition to those that the legal adviser has brought to our attention?

**Mr Maxwell:** I emphasise the European convention on human rights angle on the regulations. It is important that we get our points clarified. There are more errors than we would have hoped to find had the regulations been properly checked and rechecked before they came before us. We seem to be finding errors that the Executive really should pick up before this point. It is a waste of time for us to pick up all the errors that the Executive should have picked up in the first place. Could we mention the number of errors in the instruments that are coming before us, of which the errors in these regulations are a good example?

**The Convener:** Yes. We have another item about errors on the agenda, so we will collect those points together at that point.

**Education (School Meals) (Scotland) Regulations 2003 (SSI 2003/350)**

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

**Prohibition of Fishing for Scallops (Scotland) Order 2003 (SSI 2003/371)**

**The Convener:** The order places restrictions on dredging for scallops; it is similar to other such orders that we have seen before. Do members have any points to make?

**Christine May:** I welcome the order. I have particular experience of dredging for scallops in an area close to where I live.

**The Convener:** There are no points to draw to the Executive’s attention.

**Murray Tosh:** Christine May has hidden depths.

**Christine May:** Ha, ha. If Murray Tosh saw Burntisland beach dug up regularly he would welcome the order too.

**National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 2003 (SSI 2003/376)**

**The Convener:** The legal adviser has brought 11 points to our attention.

**Mr Maxwell:** This is a classic example of what we have been talking about; it is even worse than the previous instrument. There are 11 points about the drafting—an enormous number of errors. I reiterate the point that there should be general correspondence with the Executive pointing out the number of errors in instruments.

Point (c) in the legal briefing particularly concerns me. It highlights the fact that the word “relevant” may be missing from regulation 5(1) on page 4 of the regulations. That is important because there is a great difference between “travelling expenses” and “relevant travelling expenses”. Missing out that word changes the meaning of the regulation and affects what can or cannot be claimed. Of the 11 points that are raised in the legal briefing, that is one that must be raised with the Executive.

**The Convener:** Do we agree to do that?

**Members** *indicated agreement.*

**Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003 (SSI 2003/382)**

10:30

**The Convener:** I am sure that the committee welcomes what this regulation does. Obviously, however, we would welcome even more speedy change with regard to this matter. The legal briefing suggests four questions that we might wish to raise with the Executive, some of which relate to pretty serious errors.

**Christine May:** The committee might be interested to know that I read in this morning’s paper of the recall of a hot chilli sauce food product—under the auspices of this order, I presume. We should welcome the fact that the order was made as quickly as it could be to protect public health. Parts of the regulations are defective, but I hope that they will be corrected as soon as possible and that we will soon see revised regulations.

**The Convener:** It is important that we emphasise the serious nature of some of the errors, particularly those relating to the sampling provisions.

## Instrument Not Subject to Parliamentary Control

10:32

### **Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation (Scotland) Order 2003 (SSI 2003/375)**

**The Convener:** No points arise on the order.

## Instruments Not Laid Before the Parliament

10:33

### **Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc Rules) Amendment (Anti-social Behaviour Orders) 2003 (SSI 2003/319)**

### **Argyll and Clyde National Health Service Trusts (Dissolution) Order 2003 (SSI 2003/325)**

**The Convener:** No points arise on these instruments.

### **Diseases of Animals (Approved Disinfectants) Amendment (Scotland) Order 2003 (SSI 2003/334)**

**The Convener:** The order appears to be a classic case of a situation in which consolidation would be useful, which is a matter that we mentioned at a previous meeting. In this case, the principal order was made as long ago as 1978.

Is it agreed that we write to the Executive suggesting that it considers consolidation with regard to this piece of legislation?

**Members indicated agreement.**

### **Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc Rules) Amendment (Standards Commission for Scotland) 2003 (SSI 2003/346)**

**The Convener:** No points arise on the act of sederunt.

### **Public Appointments and Public Bodies etc (Scotland) Act 2003 (Commencement No 2) Order 2003 (SSI 2003/348)**

**The Convener:** There is a question whether the

schedule to the Public Appointments and Public Bodies etc (Scotland) Act 2003 that this order purports to commence has already been commenced.

**Mr Maxwell:** Yes, this is a rather strange situation. The order appears to be doing something that has already been done. We need to clarify whether the schedule has been commenced. If it has not, does that create problems and, if it has, would problems be created by doing it again through this order? There is a danger of our creating a logical loop. We must point out the problem to the Executive.

**The Convener:** Is that agreed?

**Members indicated agreement.**

### **Movement of Animals (Restrictions) (Scotland) Order 2003 (SSI 2003/353)**

**The Convener:** It appears that an Executive note is absent from the order. Is there anything else that we could ask about?

**Christine May:** We could ask why only part of the order is being revoked. Why not revoke the entire order? Also, the Executive does not say whether the order raises any European Community issues. We should ask about that.

### **Diseases of Poultry (Scotland) Order 2003 (SSI 2003/354)**

**The Convener:** The legal advice recommends that we raise with the Executive the question of the means of transport as well as that of the premises. It seems that vehicles are mentioned in the order, but not vessels or aircraft. We would want that issue to be explored. The Movement of Animals (Restrictions) (Scotland) Order 2003 (SSI 2003/353) refers to "means of transport" and this order would be an exception if it did not do the same thing.

Further, there appears to be no Executive note.

**Christine May:** Many instruments might not need to be accompanied by an Executive note, as they might be sufficiently clear. Nevertheless, it might be good practice for every instrument to come with an Executive note, even if it said only that it was not considered that any further explanation were necessary. That would build in the practice of having an Executive note, whether it said anything or not.

**The Convener:** How do we feel about that? It would certainly ensure that we knew that the note had not been left out accidentally.

**Murray Tosh:** Every box should be ticked every time.

**Sexual Offences (Amendment) Act 2000  
(Commencement No 4) (Scotland) Order  
2003 (SSI 2003/378)**

**The Convener:** There seem to be issues about the vires of this order. We might want to ask the Executive what effect, if any, the instrument will have on any convictions or other actions taken under the provisions of the Sexual Offences (Amendment) Act 2000, which is specified in the order, given the delay between the act's coming into law and the making of this order. Is that agreed?

*Members indicated agreement.*

**Public Appointments and Public Bodies  
etc (Scotland) Act 2003 (Commencement  
No 3) Order 2003 (SSI 2003/384)**

**The Convener:** Like the Public Appointments and Public Bodies etc (Scotland) Act 2003 (Commencement No 2) Order 2003 (SSI 2003/348), this order seems to commence something that has already been commenced. In this case, we think that the Public Appointments and Public Bodies etc (Scotland) Act 2003 commenced the provision in question. Do we agree to ask the Executive about the purpose of this order?

*Members indicated agreement.*

**Act of Sederunt (Rules of the Court of  
Session Amendment No 5) (Insolvency  
Proceedings) 2003 (SSI 2003/385)**

**The Convener:** No points arise on the act of sederunt.

**Act of Adjournal (Criminal Appeals) 2003  
(SSI 2003/387)**

**The Convener:** Paragraph 3(3)(b) of the act of adjournal inserts a rule 19.18, dealing with the presentation of the summary sentence appeal in writing. However, it appears that there may already exist a rule 19.18, inserted by SI 1996/2147, which deals with remits in applications for leave to appeal. The rule number appears to have been duplicated. Do we agree to write to the Executive to ask about the numbering?

*Members indicated agreement.*

**Act of Sederunt (Sheriff Court Company  
Insolvency Rules 1986) Amendment 2003  
(SSI 2003/388)**

**The Convener:** Two errors have been identified in this act of sederunt.

In paragraph 3(2), which inserts rule 31A(2)(a), the word "the" should be inserted between the

words "after" and "lodging", where they appear in line 1. We should also ask whether, in paragraph 3(b) of the schedule to the act, the substituted words should be

"the petition for an administration order"

rather than simply "an administration order", as it appears to us that, otherwise, the substitution does not make sense.

## Minor Errors in Instruments

10:41

**The Convener:** The next item on the agenda relates to the point that Stewart Maxwell made earlier.

We have been given a copy of an e-mail from the office of the solicitor to the Scottish Executive to Alasdair Rankin, the clerk. Basically, it says that, before our next meeting, we will be sent a letter dealing with some of the issues that we have been raising with regard to minor errors in instruments. Are we happy to leave this matter until next week before going through it in more detail?

**Mr Maxwell:** Yes. I note that, in the last line of the e-mail, it is accepted that some of our points are valid, but not all. We have to wait until we get the letter before discussing the situation further.

**The Convener:** As we said on our away day, we might want to follow up some of the points that are raised in that discussion.

*Meeting closed at 10:42.*

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