

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 1 March 2005

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2005.

Applications for reproduction should be made in writing to the Licensing Division,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate  
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

---

# CONTENTS

Tuesday 1 March 2005

Col.

<b>EXECUTIVE RESPONSES</b> .....	855
Less Favoured Area Support Scheme (Scotland) Amendment Regulations 2005 (SSI 2005/64) .....	855
Possession of Pesticides (Scotland) Order 2005 (SSI 2005/66) .....	855
Annual Close Time (Esk Salmon Fishery District) Order 2005 (SSI 2005/72) .....	856
<b>INSTRUMENTS SUBJECT TO ANNULMENT</b> .....	857
Potatoes Originating in the Netherlands (Notification) (Scotland) Order 2005 (SSI 2005/73) .....	857
Potatoes Originating in the Netherlands (Scotland) Revocation Regulations 2005 (SSI 2005/74) .....	857
Police (Retention and Disposal of Motor Vehicles) (Scotland) Regulations 2005 (SSI 2005/80) .....	857
Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Amendment (Scotland) Regulations 2005 (SSI 2005/81) .....	857
<b>INSTRUMENT NOT LAID BEFORE THE PARLIAMENT</b> .....	858
Act of Sederunt (Fees in the National Archives of Scotland) 2005 (SSI 2005/77) .....	858

---

## SUBORDINATE LEGISLATION COMMITTEE

7<sup>th</sup> Meeting 2005, Session 2

### CONVENER

Dr Sylvia Jackson (Stirling) (Lab)

### DEPUTY CONVENER

Gordon Jackson (Glasgow Govan) (Lab)

### COMMITTEE MEMBERS

Mr Adam Ingram (South of Scotland) (SNP)

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

\*Christine May (Central Fife) (Lab)

Mike Pringle (Edinburgh South) (LD)

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

### COMMITTEE SUBSTITUTES

Alex Johnstone (North East Scotland) (Con)

Maureen Macmillan (Highlands and Islands) (Lab)

Stewart Stevenson (Banff and Buchan) (SNP)

\*attended

### CLERK TO THE COMMITTEE

Ruth Cooper

### ASSISTANT CLERK

Bruce Adamson

### LOCATION

Committee Room 3



## Scottish Parliament

### Subordinate Legislation Committee

*Tuesday 1 March 2005*

[THE OLDEST COMMITTEE MEMBER PRESENT *opened the meeting at 10:41*]

**Christine May (Oldest Committee Member Present):** Good morning everyone and welcome to the seventh meeting in 2005 of the Subordinate Legislation Committee. We have apologies from Mike Pringle and Adam Ingram. The convener, Sylvia Jackson, has been unavoidably delayed.

### Executive Responses

#### Less Favoured Area Support Scheme (Scotland) Amendment Regulations 2005 (SSI 2005/64)

10:42

**Christine May:** Members have received the Executive's response to the three points that we raised. Is the committee content to draw the attention of the lead committee and the Parliament to the fact that the points were raised and have been clarified?

For clarity and for the record, we are drawing the regulations to the attention of the Parliament and the lead committee on the ground of defective drafting as detailed in points 1 and 3, and, as detailed in point 2, on the ground that the Executive's intention could be clearer. Is that agreed?

**Members** *indicated agreement.*

#### Possession of Pesticides (Scotland) Order 2005 (SSI 2005/66)

**Christine May:** Is the committee content to report the order on the ground of failure to follow proper legislative practice, as mentioned in our third point to the Executive?

**Members** *indicated agreement.*

**Christine May:** We will draw the attention of the lead committee and the Parliament to the fact that the Executive has provided the information that we requested in our questions 1 and 2, and that there was a failure to follow proper legislative practice as mentioned in question 3.

#### Annual Close Time (Esk Salmon Fishery District) Order 2005 (SSI 2005/72)

**Christine May:** Is the committee content to draw the attention of the Parliament to the order on the ground of failure to follow legislative practice, or does the committee wish just to note the Executive's remedial action?

**Murray Tosh (West of Scotland) (Con):** We should advise the lead committee of the outcome. The Executive is taking steps to correct the failure and that should be included in the report.

**Mr Stewart Maxwell (West of Scotland) (SNP):** I agree. We should not just note the remedial action; we should report to the lead committee. That is reasonable.

**Christine May:** Thank you. We will therefore report to the lead committee and the Parliament on the ground that the order failed to follow proper legislative practice.

Mr Maxwell, can you confirm that you meant the Parliament rather than the lead committee?

**Mr Maxwell:** I meant the Parliament.

## **Instruments Subject to Annulment**

**Potatoes Originating in the Netherlands  
(Notification) (Scotland) Order 2005  
(SSI 2005/73)**

**Potatoes Originating in the Netherlands  
(Scotland) Revocation Regulations 2005  
(SSI 2005/74)**

10:44

**Christine May:** No points arise on the instruments.

**Police (Retention and Disposal of Motor  
Vehicles) (Scotland) Regulations 2005  
(SSI 2005/80)**

**Christine May:** Do members wish to raise any points on the regulations?

**Murray Tosh:** There is a minor point about drafting that we should raise informally.

**Christine May:** Okay; we are content to do that.

**Poultry Meat, Farmed Game Bird Meat and  
Rabbit Meat (Hygiene and Inspection)  
Amendment (Scotland) Regulations 2005  
(SSI 2005/81)**

**Christine May:** No points arise on the regulations.

## **Instrument Not Laid Before the Parliament**

**Act of Sederunt (Fees in the National  
Archives of Scotland) 2005 (SSI 2005/77)**

10:45

**Christine May:** No points arise on the act of sederunt.

That concludes the agenda; I thank members for their attendance.

*Meeting closed at 10:45.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Tuesday 8 March 2005**

#### PRICES AND SUBSCRIPTION RATES

##### OFFICIAL REPORT daily editions

*Single copies: £5.00*

*Meetings of the Parliament annual subscriptions: £350.00*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

##### WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at the Astron Print Room.

Published in Edinburgh by Astron and available from:

**Blackwell's Bookshop**  
53 South Bridge  
Edinburgh EH1 1YS  
0131 622 8222

**Blackwell's Bookshops:**  
243-244 High Holborn  
London WC1 7DZ  
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh

**Blackwell's Scottish Parliament Documentation**  
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

**Telephone orders and inquiries**  
0131 622 8283 or  
0131 622 8258

**Fax orders**  
0131 557 8149

**E-mail orders**  
[business.edinburgh@blackwell.co.uk](mailto:business.edinburgh@blackwell.co.uk)

**Subscriptions & Standing Orders**  
[business.edinburgh@blackwell.co.uk](mailto:business.edinburgh@blackwell.co.uk)

**RNID TYPETALK calls welcome on**  
18001 0131 348 5412  
Textphone 0845 270 0152

[sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

All documents are available on the Scottish Parliament website at:

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers

Printed in Scotland by Astron