

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 14 June 2005

Session 2

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SUBORDINATE LEGISLATION COMMITTEE

20th 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

THE FOLLOWING ALSO ATTENDED :

Michael Carey (Scottish Parliament Directorate of Legal Services)

CLERK TO THE COMMITTEE

Ruth Cooper

SENIOR ASSISTANT CLERK

David McLaren

LOCATION

Committee Room 5

Scottish Parliament

Subordinate Legislation Committee

Tuesday 14 June 2005

[THE DEPUTY CONVENER *opened the meeting at 10:30*]

The Deputy Convener (Gordon Jackson): I welcome everyone to the 20th meeting in 2005 of the Subordinate Legislation Committee. I have received apologies from Mike Pringle, and Sylvia Jackson is away at a conference. I expect that the other committee members will arrive—no-one else said that they would not be here.

I have a little note for the record. I do not know what we can do about it, but there is almost an overload of instruments to consider—I think that there are 32 or 33 of them. It is not so much a problem for us, but for the legal staff and others. Perhaps such an overload is inevitable, or perhaps the Executive should think a little about spacing out the instruments, although I do not know how easy that would be.

Mr Adam Ingram (South of Scotland) (SNP): I wonder whether the approaching end of the parliamentary year is a factor. It seems that the Parliament's agenda tends to get consumed by bills, instruments or whatever when the end of the parliamentary year approaches. Perhaps why that happens and why things cannot be spread more evenly throughout the year should be considered, although I do not know by whom.

The Deputy Convener: I do not know either. I invite the clerk to say what the mechanism would be.

Ruth Cooper (Clerk): We could write an official letter to the Executive on behalf of the committee on the planning of the programme, if members agree.

Christine May (Central Fife) (Lab): I do not disagree with that suggestion. However, there has been a significant improvement in quality from last year, albeit that there is an enormous volume of material to discuss. I think that we will find it necessary to comment on fewer instruments.

The Deputy Convener: That is a fair comment. The other committee members have now arrived.

Murray Tosh (West of Scotland) (Con): Here comes the quorum.

The Deputy Convener: The meeting has already started—the committee was quorate. We missed you terribly, but we started.

We were saying that there seems to be an overload of instruments to consider. We are receiving instruments in huge batches—there are more than 30 to consider at this meeting. That may be inevitable. Perhaps the process cannot be controlled and is demand led or, as Adam Ingram said, the overload may be to do with the end-of-term rush. However, we decided that we would write to the Executive to point out that the process must be measured, for the benefit of staff apart from anybody else. Christine May rightly wanted to make the generous point that the quality of instruments has improved and that there are not as many that need to be corrected as there used to be. However, the matter should be discussed, as there is a huge overload of instruments to be considered.

Murray Tosh: There is not only an overload on this committee. Subject committees will also be overloaded. They will not be able to meet on the final Wednesday before the recess because there is an extra plenary allocation. Some subject committees will find it difficult to slot in a discussion on instruments if there is a reason to have one—for example, if a motion to annul is lodged and so on.

The Deputy Convener: We will make that point. Are members happy with that suggestion?

Members indicated agreement.

Executive Responses

Seed Potatoes (Scotland) Amendment Regulations 2005 (SSI 2005/280)

10:33

The Deputy Convener: The committee asked for an explanation of the drafting of regulation 15(e) because it seemed that the amendment that is intended by that provision has already been achieved by an earlier instrument. The Executive acknowledged that and agreed to amend the regulations at the next legislative opportunity. It will also amend the explanatory note. In the light of that response, do members agree that we should simply report the regulations to the lead committee and the Parliament on the ground of defective drafting?

Members indicated agreement.

Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No 2) Regulations 2005 (SSI 2005/281)

The Deputy Convener: The Executive has acknowledged that there are errors in the drafting of the footnotes to the regulations and it has undertaken to amend them at the next legislative opportunity, which is expected to be before the end of the year. Do members agree to draw the regulations to the attention of the lead committee and the Parliament on the ground of defective drafting?

Members indicated agreement.

Registration of Fish Sellers and Buyers and Designation of Auction Sites (Scotland) Regulations 2005 (SSI 2005/286)

The Deputy Convener: The title of the regulations is wonderful.

The committee asked why a defence is provided for the offence that is created by regulation 11(1), which concerns buying first-sale fish—that is not easy to say—that have not been landed by a licensed fishing vessel, but no defence has been created for the similar offence of selling first-sale fish to a person who is not a registered fish buyer. The Executive has stated that the details of registered fish sellers and buyers will be published and available on the internet and in the local fishery offices. Therefore, masters, owners or charterers will easily be able to verify whether a buyer is a registered fish buyer. I take it that the Executive is saying that a defence is not needed because people should check things for themselves. Is that okay?

Christine May: I think that it is. I hope that everybody has access to the internet.

Mr Stewart Maxwell (West of Scotland) (SNP): It is a bit strange to say that a person must have access to the internet to be able to know things. The legal briefing states:

“The Executive has responded that the fact that a particular person is a registered fish seller or a registered fish buyer will be published and available to all”.

However, there is still a defence for one activity, but not for the other. If information is available for both buyers and sellers, why is there a defence for one and not for the other? The purpose of our question was to ask why a defence has been provided for the offence of buying first-sale fish landed from a vessel that is not a licensed fishing vessel, but not for the similar offence of selling first-sale fish from a vessel to a person who is not a registered fish buyer. The Executive says:

“the fact that a particular person is a registered fish seller or a registered fish buyer will be published and available to all”.

The Deputy Convener: I do not know what the logic is.

Christine May: I recall that a person could cite in their defence that they did not know and could not reasonably have been expected to know in one case, but not in the other. It seems that the Executive is now saying that that information will be published, but that there is still no defence.

Mr Maxwell: I still do not understand the logic. The two issues are different, but I cannot see why they are different. Information on registered fish sellers and registered fish buyers will be published, but there is a defence in one case and not in the other.

Murray Tosh: Whoever sells fish from a vessel will surely know whether it is black or white—if I might use politically incorrect labels in the context of fish—whereas the buyer will not necessarily know whether the fish are legitimate.

The Deputy Convener: I suspect that that would be more difficult to know, although the Executive has said that information will be published for the buyer.

Murray Tosh: The legal adviser is nodding. Legal advice on the matter might benefit the committee. I always like legal advice.

Michael Carey (Scottish Parliament Directorate of Legal Services): In its response, the Executive explained that it can be difficult to identify the owner of a vessel and that a person should not necessarily be penalised if they cannot identify the owner of a vessel from which fish are sold. However, if a person is involved in the trade of buying fish that will be known, and it can be

commonly established whether they are involved in that trade. Information will not simply be published on the internet—it will be commonly known in the fish-marketing world. The distinction lies in the difficulty of establishing who owns a vessel and knowing who is buying fish from a person. That is why a defence has been provided in one circumstance but not in another.

The Deputy Convener: It can be difficult to know who is selling fish to a person.

Michael Carey: Yes.

The Deputy Convener: I give in.

Murray Tosh: It sounds as if the Executive has a statable case.

The Deputy Convener: One defence has been provided in any event. The Executive says that the person who most needs a defence gets it.

The committee also asked for an explanation of the vires of regulation 8(2), which relates to exemptions for people who buy fish for private consumption. The committee noted that the quantity is limited to 50kg. The Executive has responded that, as “private consumption” is not defined in the regulation, it is necessary to limit the quantities when people claim for exemption to make it clear to those who buy fish when they require to be registered and to provide clarity about the offence. It makes sense to specify a level and make it quite high. One would have to have a fairly big dinner party to use up that amount of fish.

Mr Maxwell: You could have a big family, or maybe a fish party.

The Deputy Convener: Moving swiftly on from fish—

Christine May: Have we agreed what we are going to do with the regulations?

The Deputy Convener: No, sorry. I was just going to say that I thought—

Mr Maxwell: We will draw the regulations to the attention of the lead committee.

Christine May: I think so.

The Deputy Convener: All right. We will do that.

Draft Instrument Subject to Approval

Criminal Justice Act 1988 (Offensive Weapons) (Scotland) Order 2005 (draft)

10:41

The Deputy Convener: The Executive has said that it is withdrawing the order so we will not worry about it.

Instruments Subject To Annulment

Electricity (Applications for Consent) Amendment (Scotland) Regulations 2005 (SSI 2005/295)

10:41

The Deputy Convener: No points arise on the regulations.

Adam Smith College, Fife (Establishment) Order 2005 (SSI 2005/298)

The Deputy Convener: Again, no points arise on the order.

Christine May: Am I allowed to express my pleasure that this order is on our agenda?

The Deputy Convener: Stopping you expressing pleasure has never been on my agenda.

Air Quality Limit Values (Scotland) Amendment Regulations 2005 (SSI 2005/300)

The Deputy Convener: There is a minor drafting point that we can deal with via an informal letter. Is that agreed?

Members *indicated agreement.*

Loch Crinan Scallops Several Fishery Order 2005 (SSI 2005/304)

The Deputy Convener: Just when we thought that we were safe from fish.

No points arise on the order.

Nitrate (Public Participation etc) (Scotland) Regulations 2005 (SSI 2005/305)

The Deputy Convener: There is a reference in regulation 2(2)(a) to the wording

“published in 1997 by the Scottish Office”,

which is said to be in the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations (SI 1996/1564). It appears, however, that that wording was replaced by another regulation, so we should ask the Executive to clarify whether regulation 2(2)(a) is right.

Charities (Designated Religious Bodies) (Scotland) Order 2005 (SSI 2005/306)

The Deputy Convener: Under section 3(1) of the parent act—the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990—ministers are required to be satisfied that the conditions narrated in section 3(1)(a) to 3(1)(c) and in section 3(2) are fulfilled. Those concern the purpose, size and activity of the religious organisation. The Executive has not narrated that precondition in the preamble to the instrument.

The explanatory note to the order narrates that the United Free Church is a body which appears to ministers “to meet the criteria”. That suggests that ministers reached a view in relation to the statutory provision, but there is nothing in the preamble. I assume that there should be and our legal adviser agrees with me.

We will ask the Executive to clarify why the precondition is missing from the preamble.

Christine May: I presume that the registration is being made under old charities legislation and not the new legislation that the Parliament passed last week.

The Deputy Convener: It must be under the old legislation.

Honey (Scotland) Amendment Regulations 2005 (SSI 2005/307)

The Deputy Convener: There is a minor drafting point that we will put into an informal letter, but there are no substantive points to make on the regulations.

Wildlife and Countryside Act 1981 (Variation of Schedule) (Scotland) Order 2005 (SSI 2005/308)

The Deputy Convener: We have not received an Executive note and there is no mention in the current explanatory statement of criminal offences or sanctions. An Executive note might also have provided information about the possibility of a public inquiry. We should ask the Executive why we did not get a note.

Mental Health (Content and amendment of care plans) (Scotland) Regulations 2005 (SSI 2005/309)

The Deputy Convener: Regulation 3 contains a paragraph (1) and no further paragraphs; that could be misleading for the reader.

The Executive must hate us, and sometimes I do not entirely blame it.

We will ask the Executive why the regulations were drafted in such a form.

Christine May: Perhaps the Executive wanted to make it clear that there was only one paragraph.

The Deputy Convener: We will raise any other minor drafting points in an informal letter.

Mental Health (Social Circumstances Reports) (Scotland) Regulations 2005 (SSI 2005/310)

The Deputy Convener: No points arise on the regulations except a minor drafting issue that we will deal with in an informal letter.

Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Scotland) Order 2005 (SSI 2005/311)

The Deputy Convener: There is a delay on this but I do not know why.

Mr Maxwell: It has been six months. There is a problem with scales and weighing things.

Christine May: There was also a misplaced modifier, I noticed. Perhaps we should ask for an explanation of what a misplaced modifier is.

The Deputy Convener: What do we do about this? Are we happy with the delay? I do not think that there is any more information to get from the Executive. Perhaps it relates to our earlier discussion about all the instruments coming to us at once. I do not know what we can do other than say that we have noted what the Executive said.

There is also a minor drafting issue that can go into an informal letter.

Mental Health (Content and amendment of Part 9 care plans) (Scotland) Regulations 2005 (SSI 2005/312)

10:45

The Deputy Convener: This is another instrument in which regulation 3 has a paragraph (1) and no paragraph (2). We will point that out.

Student Loans (Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans) (Scotland) Regulations 2005 (SSI 2005/314)

The Deputy Convener: Regulation 3 inserts new regulations 11A to 11F into part III of the Repayment of Student Loans (Scotland)

Regulations 2000 (SSI 2000/110). Part III is concerned with repayments by overseas residents. However, the new provisions appear to apply to all borrowers and it is not clear why they have been included in part III. We should ask about that; it is a serious question.

Members *indicated agreement.*

The Deputy Convener: New regulation 11F provides that

"a document is to be treated as served on a person when it is delivered to that person or sent to that person by post."

Do we want to seek clarification as to whether the time of serving of a document is the time of posting or the time of delivery?

Christine May: We should ask the question although we have asked it before.

The Deputy Convener: There is a legal answer to that but I cannot remember it.

Murray Tosh: I assume that it is the date of posting because the one who does the posting would know when the document was posted.

Christine May: I think that the date of serving is the date that the document is delivered, unless it has been specified otherwise.

Mr Maxwell: This regulation is the other way around to the one that we discussed last week or the week before. It would seem to me to be the date of posting.

The Deputy Convener: I thought it was to do with whether the document being posted was a response. If I just send out a legal document to someone, it is the date when they get it that is the date of service. However, if someone sends me an offer and I respond to it, the date of service is the date when I post the response. Of course, that might be wrong.

Mr Maxwell: Why do we not ask?

Christine May: Yes.

The Deputy Convener: It makes a change from fish. There are statutory provisions about the issue so we should ask the Executive to clarify the point.

New regulation 11C(3) provides for a penalty of £100, but the explanatory note refers to a penalty of £108. We should ask the Executive why that is the case.

Regulations 4 and 5 refer to "paragraph 9(4)", "sub-paragraph 13(4)(a)" and "paragraph 13(1)" when it appears that they should in fact be references to regulations. Again, we will ask the Executive about that. There is also another very small matter for an informal letter.

Local Government Pension Scheme (Scotland) Amendment (No 2) Regulations 2005 (SSI 2005/315)

The Deputy Convener: Regulation 2(a) and (b) refers to "paragraph 132(1)" and "paragraph 132(3)" of the principal regulations. Again, those should be references to regulations rather than paragraphs. We will ask the Executive about that.

Genetically Modified Organisms (Transboundary Movements) (Scotland) Regulations 2005 (SSI 2005/316)

The Deputy Convener: The regulations provide for the execution and enforcement of regulation (EC) 1946/2003 of the European Parliament and of the Council of 15 July 2003 on the transboundary movements of genetically modified organisms. The Council regulation implements procedures agreed by the community and its member states in 2000.

Paragraph 6 of schedule 2 to the regulations gives inspectors powers to question anyone who they have reasonable cause to consider is able to provide information relevant to any test or inspection under the schedule. Failure to comply is a criminal offence. However, it is arguable that the provisions could breach the right of a person not to incriminate themselves as guaranteed by article 6 of the European convention on human rights. Are we going to ask the Executive about that?

Members *indicated agreement.*

The Deputy Convener: This is one area of the law where I do have a little expertise. The whole business of when people should be allowed to incriminate themselves is still a minefield. We still get asked who was driving the car when the camera flashed, and that is okay. I would be interested to know where the provisions in paragraph 6 of schedule 2 to the regulations fit into that difficult subject. I am curious to hear what the Executive has to say about that.

Falkirk College of Further and Higher Education (Change of Name) Order 2005 (SSI 2005/317)

Regulation of Care (Social Service Workers) (Scotland) Order 2005 (SSI 2005/318)

The Deputy Convener: No points arise on the orders, other than minor drafting points that we should raise informally on SSI 2005/318.

Gaming Act (Variation of Fees) (Scotland) Order 2005 (SSI 2005/319)

The Deputy Convener: The order uprates the amount that is set out in section 48 of the Gaming

Act 1968. That is a regular exercise, which was last done in 2003. However, the order does not amend all the figures in section 48(4) of the act to reflect the new amounts for section 48(3). That is probably an oversight because it does not accord with previous practice. We should ask the Executive for an explanation, to find out whether that is the case.

Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2005 (SSI 2005/320)

The Deputy Convener: No points arise on the order.

False Monetary Instruments (Scotland) Order 2005 (SSI 2005/321)

The Deputy Convener: Although there are no substantive points to make on the order, the Executive has admitted that implementation in Scotland of the European Union framework decision on combating fraud and counterfeiting non-cash means of payment is long overdue. The Executive says that that delay has arisen as a result of an administrative oversight, which sounds like a euphemism for, "We just missed it." In other words, there has been human error or something has been put in the wrong column. We will just accept the Executive's explanation.

Housing (Scotland) Act 2001 (Payments out of Grants for Housing Support Services) Amendment Order 2005 (SSI 2005/322)

The Deputy Convener: No substantive points arise, but Ruth Cooper has received a query from a member of the public or perhaps a representative of a member of the public—it might have been a lawyer—who has a problem with the policy of the order. As some members were not here earlier, Ruth will give an explanation.

Ruth Cooper: We hear that there is an issue with the registering of care providers under the order. The problem is that if a provider is not registered, it will not get the grants that the order specifies. The person concerned was involved with an organisation, the registration of which had been suspended because of dialogue with the Scottish Commission for the Regulation of Care, which meant that it was not entitled to money. That is a policy area. It was pointed out that the provision in question could encroach on article 6 of the ECHR, but the legal adviser is confident that that is not necessarily the case and that, technically, the order is okay for the committee. We just wanted to draw that to the committee's attention before the order is passed on to the lead committee.

The Deputy Convener: The care organisation was involved in some kind of legal dispute with the care commission. The issue is under appeal; it is unresolved. For all I know—I do not even know what the dispute is about—the care provider might turn out to be in the right, but it cannot get registered because it is in dispute and, because it cannot get registered, it is not entitled to the grants. It is in a classic catch-22 situation. It cannot come out of the dispute because it thinks that, legally, it is in the right. That is a matter for the lead committee to consider. If a lawyer raised the subject, I am sure that he will make his case to the lead committee. The issue is interesting.

Christine May: It is interesting because if the investigation takes any length of time, the organisation, the business or the entity could be non-viable as a result of not getting the money that it needs to keep the establishment going. In such cases, the lead committee would have to say whether it thought that grants should be payable during an investigation; I presume that they would be repayable, depending on what the investigation uncovered.

The Deputy Convener: Sure. I am just putting members in the picture. The fact that there is an on-going legal dispute that we are not discussing and which we know nothing about means that even the lead committee might be a bit stymied in how it can deal with the order, but that is its problem, not ours.

That said, it would have been helpful to have had an Executive note on the order and perhaps we should say so.

Members *indicated agreement.*

Financial Assistance for Environmental Purposes (Scotland) Order 2005 (SSI 2005/324)

The Deputy Convener: There is a minor drafting point on the order, but nothing substantive.

Additional Support for Learning (Appropriate Agencies) (Scotland) Order 2005 (SSI 2005/325)

National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment (No 2) Regulations 2005 (SSI 2005/326)

The Deputy Convener: No points arise on the instruments.

National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2005 (SSI 2005/327)

The Deputy Convener: The regulations make the same consequential amendment that SSI 2005/326 makes. Although no substantive points arise, we should note that the Executive has decided not to consolidate the principal regulations now, given that it is expected that the Smoking, Health and Social Care (Scotland) Bill will make substantial changes to them. That is fair enough. There is also a minor drafting point, which we will put in an informal letter.

Prevention and Monitoring of Cetacean Bycatch (Scotland) Order 2005 (SSI 2005/330)

The Deputy Convener: I do not know whether a cetacean is a fish or a disease; it could be either.

Mr Ingram: Whales and dolphins are cetaceans.

The Deputy Convener: This has been a morning for the sea. The order is made under the same powers as the Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Scotland) Order 2005 (SSI 2005/311), which we considered earlier. It introduces measures for the protection of cetaceans in fisheries; some of us did not know that they need to be protected. Implementation of the European legislation is long overdue, given that the relevant regulation came into force in July last year. Should we ask the Executive about that?

Members indicated agreement.

The Deputy Convener: The heading to column 3 of the schedule is inaccurate: it should read "penalty on summary conviction" rather than just "penalty". We will send the Executive an informal letter to point out the error of its ways.

Plant Protection Products (Scotland) Regulations 2005 (SSI 2005/331)

The Deputy Convener: Only a minor point arises, on which we will send an informal letter.

Eggs (Marketing Standards) (Enforcement) (Scotland) Regulations 2005 (SSI 2005/332)

The Deputy Convener: The regulations consolidate for Scotland—with amendments—a series of regulations that provide for the implementation and enforcement of Community egg marketing standards, which were previously made on a Great Britain-wide basis. In the preamble, the Executive has omitted to refer to the article 9 Community consultation requirement. Ruth Cooper suggests that we should just report that that is the case; as we have raised the issue before, we know what the Executive's answer is.

Schedule 2 to the regulations contains a list of the series of regulations that they revoke and replace. However, the principal regulations were amended by an earlier statutory instrument, the relevant parts of which are not included in the schedule and are therefore not revoked. It is good practice to take spent provisions out of the statute book, so we should ask the Executive to explain whether there has simply been an omission or whether there is a specific reason for it. There is also a minor drafting point, which can be dealt with in an informal letter.

National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2005 (SSI 2005/333)

The Deputy Convener: No points arise on the regulations.

National Health Service (Service Committees and Tribunal) (Scotland) Amendment (No 2) Regulations 2005 (SSI 2005/334)

The Deputy Convener: Although no points arise on the regulations, members will recall that at our meeting on 15 March we considered the lack of consolidation of the principal regulations, which have been amended substantively more than 10 times. I can see that members are surprised that I can remember back to what we did on 15 March. The Executive undertook to review the regulations this year, with a view to consolidating them, and it has now repeated that commitment. Lack of consolidation is not a serious problem because only minor changes have been made, but we should make it clear that we are monitoring the situation and waiting for consolidation.

National Health Service (Tribunal) (Scotland) Amendment Regulations 2005 (SSI 2005/335)

The Deputy Convener: No points arise on the regulations.

International Conference

10:58

The Deputy Convener: There is a paper on the possibility of the Parliament hosting one of the biennial conferences on delegated legislation. I have always been keen that we should try to host such a conference. David Mundell went to the conference that was held in Sydney and Alasdair Rankin and I went to the one that was held in Toronto, which was excellent. Among the parliamentarians from all over who attended the Toronto conference, there was a genuine interest in the Scottish Parliament. We floated the idea that the conference might come to Scotland and everyone liked it; to be honest, I think that they liked the idea of a trip to Scotland. Scotland was a popular destination among the Canadians and Australians, but they were also interested in the new Parliament. I do not know what other members think, but I am keen that we should strive continuously—in a reasonable way—to put the institution of the Parliament on the map.

Although we suggested holding the conference a while ago, I suspect that none of us will be on the committee by the time that it is held. The idea is nice, but as someone who has been to a previous conference, I did not find realistic the suggestion in the paper that we could plan to hold the conference in 2006. We could decide in principle that we would like to do it in 2008. With that guidance, Ruth Cooper and others could try to plan it.

I say openly that sometimes the system treats the Subordinate Legislation Committee as if it were a—

Christine May: Sin bin.

11:00

The Deputy Convener: Yes. You remember the problems that we had with another conference. Sometimes the system does not recognise the importance of subordinate legislation, given that almost all legislation in Scotland comes out in statutory instruments. We should suggest that we host an international conference on the subject, but not until 2008.

Murray Tosh: The benefit of having the conference here is that members of the committee would, presumably, be allowed to attend.

The Deputy Convener: Just do not put in a lunch claim or anything; you would get into trouble for it. You have read the paper.

Murray Tosh: Yes. I agree with what you say, convener.

The Deputy Convener: We will proceed on that basis.

Christine May: Before you close the meeting, I want to draw to members' attention something that is relevant to the committee. I was out with RSPB Scotland last Saturday looking at the puffins in the Forth. There was an announcement on the radio on Saturday morning that the Executive has banned fishing for sand eels in waters around Scotland because there is concern about bird numbers. We should expect the relevant regulation before the committee next week. That is an example of a matter of concern to many people being dealt with quickly by the committee.

The Deputy Convener: Absolutely. Ruth Cooper says I have to close the meeting.

Meeting closed at 11:01.

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