

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 20 June 2006

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2006.

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 20 June 2006

Col.

DELEGATED POWERS SCRUTINY	1898
Local Electoral Administration and Registration Services (Scotland) Bill: as amended at Stage 2	1898
EXECUTIVE RESPONSES	1900
Robert Gordon University (Scotland) Order of Council 2006 (SSI 2006/298)	1900
Contaminants in Food (Scotland) Regulations 2006 (SSI 2006/306)	1900
National Health Service (Superannuation Scheme and Additional Voluntary Contributions) (Scotland) Amendment Regulations 2006 (SSI 2006/307)	1901
Common Agricultural Policy (Wine) (Scotland) Amendment Regulations 2006 (SSI 2006/311)	1902
Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006 (SSI 2006/313)	1902
Plastic Materials and Articles in Contact with Food (Scotland) Regulations 2006 (SSI 2006/314)	1902
Plant Health (Potatoes) (Scotland) Order 2006 (SSI 2006/319)	1903
National Health Service (General Dental Services) (Scotland) Amendment (No 2) Regulations 2006 (SSI 2006/321)	1904
Education (Graduate Endowment, Student Fees and Support) (Scotland) Amendment Regulations 2006 (SSI 2006/323)	1904
Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2006 (SSI 2006/335)	1905
DRAFT INSTRUMENT SUBJECT TO APPROVAL	1906
Automated Registration of Title to Land (Electronic Communications) (Scotland) Order 2006 (draft)	1906
INSTRUMENTS SUBJECT TO ANNULMENT	1907
Education (Assisted Places) (Scotland) Amendment Regulations 2006 (SSI 2006/317)	1907
St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2006 (SSI 2006/318)	1907
Education (Appeal Committee Procedures) (Scotland) Amendment Regulations 2006 (SSI 2006/322)	1907
Registration of Independent Schools (Scotland) Regulations 2006 (SSI 2006/324)	1907
Civil Legal Aid (Scotland) Amendment (No 2) Regulations 2006 (SSI 2006/325)	1907
Education (Student Loans for Tuition Fees) (Repayment and Allowances) (Scotland) Amendment Regulations 2006 (SSI 2006/326)	1907
Human Tissue (Removal of Body Parts by an Authorised Person) (Scotland) Regulations 2006 (SSI 2006/327)	1908
Anatomy (Specified Persons and Museums for Public Display) (Scotland) Order 2006 (SSI 2006/328)	1908
Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 (SSI 2006/333)	1908
Anatomy (Scotland) Regulations 2006 (SSI 2006/334)	1908
Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006 (SSI 2006/337)	1908
Firefighters' Compensation Scheme (Scotland) Order 2006 (SSI 2006/338)	1908
Town and Country Planning (Application of Subordinate Legislation to the Crown) (Inquiries Procedure) (Scotland) Order 2006 (SSI 2006/339)	1908
Human Tissue (Scotland) Act 2006 (Anatomy Act 1984 Transitional Provisions) Order 2006 (SSI 2006/340)	1909
Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2006 (SSI 2006/341)	1909
Firefighters' Pension Scheme Amendment (Scotland) Order 2006 (SSI 2006/342)	1909
Adults with Incapacity (Removal of Regenerative Tissue for Transplantation) (Form of Certificate) (Scotland) Regulations 2006 (SSI 2006/343)	1910
Human Tissue (Scotland) Act 2006 (Maintenance of Records and Supply of Information Regarding the Removal and Use of Body Parts) Regulations 2006 (SSI 2006/344)	1910
INSTRUMENTS NOT LAID BEFORE THE PARLIAMENT	1911
Management of Offenders etc (Scotland) Act 2005 (Commencement No 2) Order 2006 (SSI 2006/331)	1911
Criminal Justice (Scotland) Act 2003 (Commencement No 9) Order 2006 (SSI 2006/332)	1911
Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006 (SSI 2006/336)	1911
Diseases of Animals (Approved Disinfectants) Amendment (Scotland) Order 2006 (SSI 2006/352)	1911

SUBORDINATE LEGISLATION COMMITTEE

21st Meeting 2006, 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 Kenneth Macintosh (Eastwood) (Lab)

Mr Stewart Maxwell (West of Scotland) (SNP)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

*Murray Tosh (West of Scotland) (Con)

COMMITTEE SUBSTITUTES

Mr Ted Brocklebank (Mid Scotland and Fife) (Con)

Maureen Macmillan (Highlands and Islands) (Lab)

*Ms Maureen Watt (North East Scotland) (SNP)

*attended

CLERK TO THE COMMITTEE

David McLaren

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 2

Scottish Parliament

Subordinate Legislation Committee

Tuesday 20 June 2006

[THE CONVENER *opened the meeting at 10:31*]

The Convener (Dr Sylvia Jackson): I welcome members to the 21st meeting in 2006 of the Subordinate Legislation Committee. I have received apologies from Stewart Maxwell and welcome Maureen Watt, who is substituting for him. Do you want to declare any interests at this point, Maureen?

Ms Maureen Watt (North East Scotland) (SNP): I do not think so. I see that some instruments are related to agriculture. I come from a farming background, but the weather is not such that we grow wine in the north-east of Scotland, and we are not involved in the tattie business.

The Convener: Good. Before we go to item 1, I should draw to members' attention the additional legal brief that they received not long before the meeting, which covers the instruments that are not covered by the main legal brief. As you know, there are a considerable number of instruments and you asked questions last week to which we had to get responses. As we go through the instruments, I will say where the items covered by the additional brief come in.

Delegated Powers Scrutiny

Local Electoral Administration and Registration Services (Scotland) Bill: as amended at Stage 2

10:33

The Convener: Item 1 is delegated powers scrutiny. The committee considered the delegated powers in the bill last week and asked the Executive to clarify three points. The first of those relates to sections 18B and 18D, which are "Provision of fresh signatures" and "Power to require existing absent voters to provide personal identifiers." We asked the Executive how it anticipates exercising those powers and what is meant by "consequences" in the context of the powers.

You will see from the response that the Executive has explained that the purpose of delegated powers to require the provision of fresh signatures is to ensure that personal identifiers are kept up to date. It also considers that it needs the flexibility of regulation to allow ministers to cater for different circumstances in which new signatures will be required and to take account of reasons for non-compliance.

The second issue was about criminal sanctions. The Executive has confirmed that there is no question of the consequences of not providing fresh signatures involving criminal sanctions.

Do members wish to comment?

Murray Tosh (West of Scotland) (Con): I apologise because, given that I was not at the meeting last week, I do not feel particularly inclined to comment on the detailed responses, which seem fine. However, it is worth picking up the point in the legal brief that a number of the responses would not have been necessary if the information had been given up front in the delegated powers memorandum. We should put that point on the record to encourage the Executive always to think about the committee's needs when it prepares those memorandums.

The Convener: You will see a trend along that line with one or two issues today.

On section 18C, "Disclosure of personal identifiers", we asked the Executive about the intended exercise of the power and what purposes might be prescribed in any regulations made under the power. The Executive confirms that such information will not be open to public inspection and that disclosure will be limited to certain categories of people, in addition to those identified in the bill, for "electoral purposes". Are members content with the Executive's response?

Mr Kenneth Macintosh (Eastwood) (Lab): The assurances are fine, although it is odd that the Executive effectively says that disclosure will be for “electoral purposes”—in other words there will be disclosure for agents and others—but it refuses to change the words in the bill to “electoral purposes.”

The Convener: The final issue is about the stage 3 debate on Thursday.

Members will have noted that the Executive has, unusually, lodged amendments that include delegated powers. Members have a copy of the letter from the Deputy Minister for Finance, Public Service Reform and Parliamentary Business that gives the reasons for introducing these amendments. The letter is attached to the Executive’s response on the bill. Luckily, the amendments do not affect any provision that the committee has already considered—they add new powers.

The first amendment is largely administrative and relates to the power to make regulations in respect of special lists and records. That seems to be an entirely procedural power, which is subject to the negative procedure. Are there any comments on the first amendment?

Members: No.

The Convener: The second amendment relates to section 25 and removes an anomaly that members will remember the committee identified and raised at stage 1. We raised the issue that, as the bill was originally drafted, every exercise of the power under section 3 of the Local Governance (Scotland) Act 2004 would attract the affirmative procedure. The amendment means that any order may, when appropriate, be subject to the negative procedure. I take it that we welcome that amendment. Are we content with the feedback and with the amendments?

Members *indicated agreement.*

Executive Responses

Robert Gordon University (Scotland) Order of Council 2006 (SSI 2006/298)

10:38

The Convener: Like Murray Tosh, I was not at the committee meeting last week, so it is over to Ken Macintosh, because poor old Maureen Watt has just entered the fray.

We sought clarification from the Executive on eight points relating to the order in council. Members will have seen the Executive’s response. Do they have comments on any of the points?

Mr Macintosh: Our concern last week was the number of errors in the instrument. The Executive has produced a helpful response, in which it agrees with a number of our points about defective drafting. That will be amended.

There appeared to be confusion over the number of governors and we were concerned about how governors would be replaced or removed. There is still a potential gap. The Executive has pointed out that, in practical terms, because there are currently 21 governors nobody will be removed. Therefore, the gap will not have a practical effect, but there is still a gap in relation to how to remove a governor if the maximum number of governors has been reached, because the order in council does not provide a process for the removal of governors. That said, I am content with the Executive’s response.

The Convener: Are members content to draw the order in council to the attention of the lead committee and the Parliament on the ground of defective drafting on all the points that we raised, apart from the second, and on failure to follow proper legislative practice on that point?

Members *indicated agreement.*

Contaminants in Food (Scotland) Regulations 2006 (SSI 2006/306)

The Convener: We asked the Executive to explain why the sampling requirements provided for in the Contaminants in Food (Scotland) Regulations 2005 (SSI 2005/606) have been omitted from the current regulations and why there is no explanation in the explanatory note for that substantial change. Is there any comment on the explanation that we have been given?

Murray Tosh: No. We should pass it on to the lead committee and to the Parliament.

The Convener: We have now been given the information, but—this point follows on from the one that Murray Tosh raised earlier—if the

information had been there previously we would not have had to ask for it.

National Health Service (Superannuation Scheme and Additional Voluntary Contributions) (Scotland) Amendment Regulations 2006 (SSI 2006/307)

The Convener: We asked the Executive to explain the reference in new regulations T2A(4), T2A(5) and T2A(6) to “the information referred to” in new regulations T2A(7) or (8), as those provisions do not appear to contain any such information. Members will see that the Executive has admitted that there was a drafting error and that the references ought to have been to new regulations T2A(3) or (4). It will correct the error during the consolidation of pension regulations that will take place after the summer recess.

Murray Tosh: It is fortunate that there is a consolidation exercise in the offing that will allow the Executive to make the correction. If there had not been, there would have needed to be a fresh instrument or the instrument would have had to be left incorrect indefinitely. This is another example—we like to pick out at least one a week—of an instrument in which the power of amendment at an early stage would be useful, not just for the committee, but for the Executive and for those who are subject to the regulations.

The Convener: Exactly. Do we agree to point out the defective drafting to the lead committee and the Parliament?

Members: Yes.

Mr Macintosh: Last week we were concerned about the number of times—14—that a set of regulations had been amended without consultation. Are these the regulations in question?

The Convener: I think that we will discuss those regulations later.

Mr Macintosh: I thought that these were the regulations, although I may be wrong. We were concerned because the Executive said that it was in the middle of consolidating the regulations. I am glad that it has pinned down what the middle is—shortly after the summer recess.

The Convener: You are correct in identifying these as the regulations that were amended 14 times. We will welcome the fact that they will be consolidated after the summer recess.

I welcome Adam Ingram, who has just joined us.

Common Agricultural Policy (Wine) (Scotland) Amendment Regulations 2006 (SSI 2006/311)

The Convener: The committee raised four points about the regulations. Members have a copy of the Executive's response, in which it acknowledges drafting errors in relation to each point. It intends to correct all but one of those by amending instruments at the next legislative opportunity. The second point that we made can be addressed prior to printing, which is helpful. Are members content to bring the points to the attention of the lead committee and the Parliament?

Members indicated agreement.

Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006 (SSI 2006/313)

The Convener: We asked the Executive why Council directive 2004/117/EC was being implemented later than the date specified in the directive and why there was no transposition note. I point out to Maureen Watt that we have been asking about transposition notes for a considerable time. At Westminster, such notes are provided automatically. This is one of several occasions on which we have not received one.

Murray Tosh: It is good that in its response the Executive considers that, on reflection, it would have been useful to produce a transposition note. That is very much what we would like it to say. We want it to treat the matter in a consistent and rigorous fashion, as happens at Westminster.

The Convener: We also welcome the information that was provided about the date.

Plastic Materials and Articles in Contact with Food (Scotland) Regulations 2006 (SSI 2006/314)

The Convener: We put two questions to the Executive on the regulations. First, we asked about the wording of regulation 9(4) and the reference to

“proceedings for an offence under this regulation”.

The Food Standards Agency Scotland accepts that the regulation is not well expressed and will clarify the purpose of the regulation at the next legislative opportunity. However, it does not say when that will be. It has been suggested that it is not simply a case of the regulation being not well expressed; our legal advice suggests that it is seriously misleading. Members have indicated that they are happy to draw the attention of the lead committee and the Parliament to the drafting of regulation 9(4).

Secondly, we asked why regulation 23 does not contain a similar amendment to that for the equivalent English provision. Should we draw the regulations to the attention of the lead committee and the Parliament, on the ground that there has been an unduly limited use of the power in relation to regulation 23?

10:45

Mr Macintosh: The FSA's explanation is that the Scottish regulations were drafted differently from the English regulations. However, they appear to be an exact copy. That said, we should draw the regulations to the attention of the lead committee.

Murray Tosh: It is curious. The FSA has been liable to produce instruments that are not sensitive to Scottish requirements, yet here we have a statement that these regulations are indeed sensitive to Scottish requirements. We should applaud that—although it is made difficult by the fact that the regulations are in fact identical to the English ones. However, keep trying, Food Standards Agency. One day we hope you will get this; one day we hope that we might be able to give you genuine praise for the work that you do.

Plant Health (Potatoes) (Scotland) Order 2006 (SSI 2006/319)

The Convener: The committee raised eight points on the order; you were busy last week, I have to say. Members will see that the Executive's responses are not very helpful on many of those points.

Murray Tosh: We should draw the defective drafting to the attention of the lead committee and the Parliament.

The Convener: I will summarise the points for the record. The first point that we raised was whether the provision is *intra vires*. The second point was about defective drafting, as Murray said. Should we describe that point as defective drafting, or as a failure to follow proper legislative practice? Our second point also covers another issue, where there is defective drafting.

Murray Tosh: We could therefore raise both issues.

The Convener: Okay—a failure to follow proper legislative practice and defective drafting.

Our points 3 to 7 were also on defective drafting. In our eighth point, we suggested that the meaning could have been clearer and we highlighted more defective drafting. Is that a fair summary?

Members indicated agreement.

National Health Service (General Dental Services) (Scotland) Amendment (No 2) Regulations 2006 (SSI 2006/321)

The Convener: For these regulations, we asked the Executive to explain the reference in regulation 2(2) to

“regulation 4(1) of the National Health Service (Discipline Committees) (Scotland) Regulations 2006”,

which does not appear to be correct. We also asked what plans the Executive has to consolidate the regulations.

The Executive has acknowledged that the reference to regulation 4(1) is indeed incorrect; it plans to consolidate the regulations in the first quarter of 2007. Are members content to draw the attention of the lead committee and the Parliament to the defective drafting of regulation 2(2)—as acknowledged by the Executive, which is moving to correct it—and to the fact that the Executive intends to consolidate the principal regulations in the first quarter of 2007?

Murray Tosh: We should welcome the consolidation and should report to the lead committee and the Parliament that the Executive will move to correct the defective drafting of regulation 2(2).

The Convener: We were keen to keep an on-going log of when the Executive said that it was going to consolidate things—something that Stewart Maxwell and I observed when we went to visit a Westminster committee. I look to the clerk to ensure that we have an on-going log to refer to.

Education (Graduate Endowment, Student Fees and Support) (Scotland) Amendment Regulations 2006 (SSI 2006/323)

The Convener: We raised four points on these regulations last week. Members will have seen the Executive response, and the legal advice, on the defective drafting of paragraphs 11(a) and 11(b) of schedule 1 to the Education (Fees and Awards) (Scotland) Regulations 1997 (SI 1997/93). The Executive acknowledges that defective drafting.

Mr Macintosh: I think that we welcome the Executive's acceptance that there has been defective drafting. It is interesting that the Executive has explained its reasoning behind not using the word “step-child”—which I think we would accept—but that its consideration revealed that the word was missing from other regulations. We should draw that to the attention of the lead committee and the Parliament.

The Convener: Are you referring to the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992 (SI 1992/580)?

Mr Macintosh: Yes.

The Convener: I will summarise. In addition to the first point that we raised, we can draw to the attention of the lead committee and the Parliament the defective drafting in paragraph 5 of schedule 3, which the Executive has acknowledged; the fact that the Executive provided information as requested by the committee and that paragraph (10)(a) of schedule 1 to the 1992 regulations is defectively drafted, as the Executive has acknowledged; and the Executive's proposal to bring forward a consolidating instrument later this year. That is another one for the list.

Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2006 (SSI 2006/335)

The Convener: The committee asked the Executive whether, in new regulation 18, the reference should be to article 2.3 of the Commission decision and not to article 2.4. The Executive thinks that the reference to article 2.4 of the Commission decision is relevant and does not consider that reference to article 2.3 would be appropriate. Do members have any comments to make on the regulations?

Mr Macintosh: Things could be clearer, but if the Executive is happy that the regulations will be effective, I am happy with the response. Perhaps we could draw the matter to the attention of the lead committee.

The Convener: Do you mean that the meaning of regulation 18(3)(a) could have been clearer?

Mr Macintosh: Our legal adviser is not entirely sure that the Executive's explanation makes sense.

The Convener: The legal advice is that it is difficult to follow the Executive's distinction between the relevance of article 2.3 and that of article 2.4 for the purposes of regulation 18(3)(a). Are members happy to draw the attention of the lead committee and the Parliament to the regulations on the ground that the meaning of regulation 18(3)(a) could be clearer?

Members indicated agreement.

Draft Instrument Subject to Approval

Automated Registration of Title to Land (Electronic Communications) (Scotland) Order 2006 (draft)

10:52

The Convener: Agenda item 3 is consideration of a draft instrument subject to approval. No points arise on the draft instrument, a note on which is contained in the additional legal brief.

Members may wish to note that the Executive has corrected an error in the draft order that was identified by our legal advisers. It could be said that there is almost an informal system of the type that we are trying to put in place. We welcome the correction.

Mr Macintosh: I welcome the draft order on a policy basis. The registration of titles to land is unbelievably slow at the moment, and if the order helps, it is more than welcome.

The Convener: Absolutely.

Instruments Subject to Annulment

Education (Assisted Places) (Scotland) Amendment Regulations 2006 (SSI 2006/317)

St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2006 (SSI 2006/318)

Education (Appeal Committee Procedures) (Scotland) Amendment Regulations 2006 (SSI 2006/322)

10:53

The Convener: No points arise on the amendment regulations.

Registration of Independent Schools (Scotland) Regulations 2006 (SSI 2006/324)

The Convener: No points arise on the regulations. However, members may wish to note that the regulations replace the Registration of Independent Schools (Scotland) Regulations 2005 (SSI 2005/571), on the vires of which we previously expressed doubts. The Executive reflected on things and has replaced those regulations with the new ones, which we welcome.

Civil Legal Aid (Scotland) Amendment (No 2) Regulations 2006 (SSI 2006/325)

The Convener: Two points have been made on the regulations. Are members content to ask the Executive why section 36(3)(bb) of the Legal Aid (Scotland) Act 1986, which appears to be relevant, has neither been cited as an enabling power nor had its relevance indicated in a footnote, and to ask about the purpose of regulation 1(2), which defines terms that are not used in the regulations?

Members *indicated agreement.*

The Convener: We will ask the Executive those questions.

Education (Student Loans for Tuition Fees) (Repayment and Allowances) (Scotland) Amendment Regulations 2006 (SSI 2006/326)

The Convener: No substantive points arise on the regulations, but there are a couple of minor ones that we will mention in an informal letter.

Human Tissue (Removal of Body Parts by an Authorised Person) (Scotland) Regulations 2006 (SSI 2006/327)

The Convener: Do members want to ask the Executive to explain the inclusion of the words "and interpretation" in the heading for regulation 1, which does not contain any interpretative material? Alternatively, we could raise the issue informally. Which do members want to do?

Mr Macintosh: We should just raise the matter informally.

The Convener: Okay.

Anatomy (Specified Persons and Museums for Public Display) (Scotland) Order 2006 (SSI 2006/328)

Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 (SSI 2006/333)

Anatomy (Scotland) Regulations 2006 (SSI 2006/334)

The Convener: No points arise on the instruments.

Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006 (SSI 2006/337)

The Convener: We have had a few instruments to do with avian influenza that have been splattered with errors. Do members have any points?

Mr Macintosh: We should welcome the fact that the regulations are accurate, but we should note the absence of a transposition note, again.

The Convener: Yes. That is the main point. We will write to say that no transposition note was provided—that would have been helpful.

Firefighters' Compensation Scheme (Scotland) Order 2006 (SSI 2006/338)

The Convener: No points arise on the order.

Town and Country Planning (Application of Subordinate Legislation to the Crown) (Inquiries Procedure) (Scotland) Order 2006 (SSI 2006/339)

The Convener: No substantive points arise, but we should perhaps ask the Executive whether the Scottish Committee of the Council on Tribunals was consulted on the order. That issue was flagged up to us by the legal advisers. Do members agree to ask that?

Murray Tosh: We should do that. Also, paragraph 165 of the legal brief points out some minor matters, which we should raise informally.

The Convener: Okay.

**Human Tissue (Scotland) Act 2006
(Anatomy Act 1984 Transitional
Provisions) Order 2006 (SSI 2006/340)**

The Convener: No substantive points arise on the order, but there are some minor ones that we will raise informally.

**Sea Fishing (Restriction on Days at Sea)
(Scotland) Order 2006 (SSI 2006/341)**

The Convener: No substantive points arise on the order, but, again, we will raise some minor points informally. Are there any points?

Murray Tosh: There are quite a lot of minor points.

The Convener: Yes.

Murray Tosh: And there are a stack of them for the next instrument.

The Convener: We will come to that.

**Firefighters' Pension Scheme Amendment
(Scotland) Order 2006 (SSI 2006/342)**

The Convener: Murray, do you want to raise any points on the order?

Murray Tosh: No. There are some substantive questions that we should pursue with the Executive and which you might want to put on the record, convener. However, I was talking about the huge number of minor points. I wonder if we are getting into a pre-summer rush, which means that the process is not being carried out as scrupulously as it ought to be.

The Convener: I think so. We have a lot of instruments and we have noticed quite a lot of minor points in them.

There are three points to raise on the order. First, we should ask the Executive to explain the reference in paragraph 12(f) of schedule 1 to the order to the "Firefighters' Compensation Scheme". Secondly, we should ask for an explanation of the reference to "paragraph 57" in schedule 1. Thirdly, in relation to schedule 2, we should ask the Executive to confirm whether the corresponding entry for rule K2 is correct. Do members agree to raise those points, plus the large number of minor points that Murray Tosh mentioned?

Members *indicated agreement.*

**Adults with Incapacity (Removal of
Regenerative Tissue for Transplantation)
(Form of Certificate) (Scotland)
Regulations 2006 (SSI 2006/343)**

The Convener: Two points arise on the regulations. First, we should ask the Executive to explain why a starting date has been omitted from the form in the schedule. Secondly, we should ask the Executive to identify which provision of the enabling act confers a power on ministers to revoke a certificate.

**Human Tissue (Scotland) Act 2006
(Maintenance of Records and Supply of
Information Regarding the Removal and
Use of Body Parts) Regulations 2006
(SSI 2006/344)**

The Convener: No points arise on the regulations.

Instruments Not Laid Before the Parliament

Management of Offenders etc (Scotland) Act 2005 (Commencement No 2) Order 2006 (SSI 2006/331)

11:00

The Convener: Although no points arise on the order, members may—or may not—be aware that our legal advisers have drawn the Executive's attention to a typographical error. The typo, which will be corrected in the printed version of the order, relates to the date at which certain parts of section 15 of the act are to come into force. The order reads "3 July 2005", whereas it should read "3 July 2006". That will be rectified.

Criminal Justice (Scotland) Act 2003 (Commencement No 9) Order 2006 (SSI 2006/332)

The Convener: No points arise on the order.

Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006 (SSI 2006/336)

The Convener: Quite a number of points arise on the order. Do we want to raise any of them?

Mr Macintosh: As with a previous instrument, an awful lot of questions arise about the accuracy of the order, in that some paragraph references are out of place, explanations are missing and there are a series of minor points. Coupled with that, the absence of a transposition note is unhelpful. All our staff are under the cosh with the amount of work that is required of them. We should draw the matter to the Executive's attention.

The Convener: The order is the third instrument this morning that has not had a transposition note when that would have been helpful.

The legal brief lists points (a) to (g). Do members agree that we should highlight those seven points in our note to the Executive?

Members indicated agreement.

Diseases of Animals (Approved Disinfectants) Amendment (Scotland) Order 2006 (SSI 2006/352)

The Convener: No substantive points arise on the order, but there is a minor point that we can raise informally. Is that agreed?

Members indicated agreement.

The Convener: Finally, our last meeting—before the summer recess—is next Tuesday 27 June. Our legal advisers and clerks are cheery about that.

Murray Tosh: Convener, you are a tease. For one glorious moment, I thought that you were about to tell us that this was our last meeting before the summer.

The Convener: If only. Thank you all for attending today. I now close the meeting.

Meeting closed at 11:03.

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:

Friday 30 June 2006

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 Document Supply.

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

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

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

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers

Printed in Scotland by Astron