

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 25 September 2007

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

6th Meeting 2007, Session 3

CONVENER

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

DEPUTY CONVENER

*Gil Paterson (West of Scotland) (SNP)

COMMITTEE MEMBERS

*Richard Baker (North East Scotland) (Lab)

Jackson Carlaw (West of Scotland) (Con)

*Helen Eadie (Dunfermline East) (Lab)

*Ian McKee (Lothians) (SNP)

John Park (Mid Scotland and Fife) (Lab)

COMMITTEE SUBSTITUTES

Bill Aitken (Glasgow) (Con)

Christopher Harvie (Mid Scotland and Fife) (SNP)

Elaine Smith (Coatbridge and Chryston) (Lab)

Margaret Smith (Edinburgh West) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Annalee Murphy (Legal Adviser)

CLERK TO THE COMMITTEE

Gillian Baxendine

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 5

Scottish Parliament

Subordinate Legislation Committee

Tuesday 25 September 2007

[THE DEPUTY CONVENER *opened the meeting at 14:15*]

Interests

The Deputy Convener (Gil Paterson): I welcome members to the sixth meeting of the Subordinate Legislation Committee this session. We have received apologies from Jamie Stone, Jackson Carlaw and John Park. I ask members to turn off their mobile phones.

Agenda item 1 is a declaration of interests. I welcome Richard Baker to the committee—I hope that you enjoy your membership.

Richard Baker (North East Scotland) (Lab): Thank you, convener. I am sure I will.

The Deputy Convener: Do you have any interests that you would like to declare?

Richard Baker: I do not think so. I am a member of the trade union Amicus, although I do not think that that will cause any conflict here.

The Deputy Convener: Thank you. I put on the record our thanks to Richard Simpson. Although the new session means that the committee has been meeting for only a short time, we have all already been impressed by Richard's work and scrutiny. I only wish that I could do the same, to be frank. I am sorry that he has moved on and we wish him well.

Scottish Government Responses

14:16

The Deputy Convener: Following last week's meeting, we wrote to the Scottish Government about three instruments, and we have received responses.

Housing (Scotland) Act 2006 (Repayment Charge and Discharge) Order 2007 (SSI 2007/419)

The Deputy Convener: Members have seen the Scottish Government's response, in which it indicates that the signing of the order by a junior minister rather than a member of the Scottish Executive was an oversight on its part. However, that does not affect the legality of the order. Are members content to draw the attention of the lead committee and the Parliament to the order on the ground that, in so far as the signing docket narrates that the instrument has been made by a member of the Scottish Executive, the instrument departs from proper drafting practice, but not so as to affect its validity?

Members indicated agreement.

Zoonoses (Monitoring) (Scotland) Regulations 2007 (SSI 2007/420)

The Deputy Convener: We asked the Scottish Government to clarify how existing administrative and legislative provisions implement European Parliament and Council directive 2003/99/EC and, if they only partly implement the directive, to clarify the reasons for the delay in implementation. Members have seen the response. Are you content to draw the regulations to the attention of the lead committee and the Parliament?

Members indicated agreement.

Civil Legal Aid (Scotland) Amendment (No 2) Regulations 2007 (SSI 2007/425)

The Deputy Convener: We asked the Scottish Government three questions about the regulations and members have seen the responses to each of them. Are members content to draw the regulations to the attention of the lead committee and the Parliament on the grounds that have been set out before us?

Members indicated agreement.

Instruments Subject to Annulment

University of the West of Scotland Order of Council 2007 (SSI 2007/426)

14:18

The Deputy Convener: Are members content to write to the Scottish Government about the three issues arising on the order of council that are set out in the summary of recommendations? Do you wish me to read out the recommendations?

Helen Eadie (Dunfermline East) (Lab): They are before us, and I am happy to agree to them.

Ian McKee (Lothians) (SNP): I had thought that the terms in the instrument were in inverted commas to avoid the words running on into the following sentence. Does that make sense? Article 2 says:

“Court of the University of Paisley’ means the governing body of the University of Paisley”.

Without those inverted commas, the instrument would say that the court of the University of Paisley meant something. Does my point make sense?

Annalee Murphy (Legal Adviser): In article 2, on interpretation, the defined terms are in inverted commas, as is usual. A point has been raised in relation to articles 3(a) and 3(b), where the terms have already been defined. The terms are used in inverted commas again in those paragraphs, which is unusual.

Ian McKee: Okay. If we start a sentence with “The University of Paisley means”, but without inverted commas, that could be interpreted as if the university was itself meaning to say something, rather than the term “University of Paisley” meaning something. I go along with the explanation, however.

Annalee Murphy: It is usual drafting to define a term in the way that is done in the interpretation article. After that, because the term has already been defined, the inverted commas are normally omitted. The question, therefore, is why the inverted commas have been included in articles 3(a) and 3(b).

Ian McKee: Okay.

The Deputy Convener: With that explanation, are you happy to proceed?

Ian McKee: Yes.

Surface Waters (Shellfish) (Classification) (Scotland) Amendment Regulations 2007 (SSI 2007/427)

The Deputy Convener: Are members content to write to the Scottish Government on the seven issues arising on the regulations that are set out in the summary of recommendations?

Members indicated agreement.

Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No 3) Regulations 2007 (SSI 2007/428)

The Deputy Convener: Are members satisfied with the Scottish Government’s explanation for the breach of the 21-day rule?

Members indicated agreement.

The Deputy Convener: Are members content to write to the Scottish Government on the five issues arising on the regulations that are set out in the summary of recommendations?

Members indicated agreement.

The Deputy Convener: Are members also content to raise informally with the Scottish Government 11 minor points?

Members indicated agreement.

Plastic Materials and Articles in Contact with Food (Lid Gaskets) (Scotland) Regulations 2007 (SSI 2007/433)

The committee agreed that no points arose on the instrument.

Instruments Not Laid Before the Parliament

Foot-and-Mouth Disease (Scotland) Amendment Order 2007 (SSI 2007/429)

14:23

*The committee agreed to raise minor points on
the instrument.*

Custodial Sentences and Weapons (Scotland) Act 2007 (Commencement No 1) Order 2007 (SSI 2007/431)

Police and Justice Act 2006 (Commencement) (Scotland) Order 2007 (SSI 2007/434)

*The committee agreed that no points arose on
the instruments.*

The Deputy Convener: It only remains for me to say that the next meeting will take place on Tuesday 2 October at 2.15 pm. I thank members for attending and for their forbearance of my chairing.

Meeting closed at 14:24.

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