

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 20 November 2007

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

12th 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

CLERK TO THE COMMITTEE

Gillian Baxendine

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 6

Scottish Parliament

Subordinate Legislation Committee

Tuesday 20 November 2007

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

Scottish Government Responses

The Convener (Jamie Stone): Good afternoon members, and welcome to the 12th meeting of the Subordinate Legislation Committee in session 3. We have no apologies. Please switch off any mobile phones or anything that might make a noise during the meeting. I am sure that John Park and Richard Baker will join us shortly.

You will recall that we wrote to the Scottish Government about six instruments after last week's meeting; you will have seen the responses that we received. I also refer you to the summary of recommendations that is before you; it will help to make the meeting briefer.

Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007 (Draft)

The Convener: I will read out the recommendation on the draft rules. Are members content to draw the rules to the attention of the lead committee and the Parliament on the grounds that, in relation to question (a), an explanation was sought from and provided by the Scottish Government, and in relation to question (b), there has been a failure to follow normal drafting practice, which may affect the operation of the rules on the issue raised? Are you satisfied with the Scottish Government's explanations and do you agree with the recommendations?

Members indicated agreement.

Transport and Works (Scotland) Act 2007 (Inquiries and Hearings Procedure) Rules 2007 (Draft)

The Convener: Do members consider the explanation from the Scottish Government to be satisfactory?

Members indicated agreement.

Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No 6) Regulations 2007 (SSI 2007/494)

The Convener: In asking members whether they are content to draw the regulations to the

attention of the Parliament and the lead committee on the grounds outlined in the summary of recommendations, I should point out that there are devolution issues involved. The committee's role in pointing that out will help to straighten out those issues at source. As the Government's response points out, the issue is one of time and resources and, under the circumstances, that is probably perfectly understandable. Are members content?

Members indicated agreement.

Act of Adjournal (Criminal Procedure Rules Amendment No 5) (Miscellaneous) 2007 (SSI 2007/495)

The Convener: Are members content with the act of adjournal and happy to draw it to the attention of the lead committee and the Parliament on the ground that an explanation was sought and received from the Lord President's office?

Members indicated agreement.

Plant Health (Import Inspection Fees) (Scotland) Amendment (No 2) Regulations 2007 (SSI 2007/499)

The Convener: Are members content to draw the regulations to the attention of the lead committee and the Parliament on the grounds listed in the summary of recommendations?

Members indicated agreement.

National Health Service (Pharmaceutical Services) (Scotland) Amendment (No 3) Regulations 2007 (SSI 2007/500)

The Convener: Are members content to draw the regulations to the attention of the lead committee and the Parliament on the ground that, because the preamble does not include section 28A of the National Health Service (Scotland) Act 1978, there has been a failure to follow proper drafting practice?

Members indicated agreement.

Draft Instrument Subject to Approval

**Scottish Police Services Authority
(Police Support Services) (Modification)
Order 2007 (Draft)**

14:18

The committee agreed that no points arose on the instrument.

Instruments Subject to Annulment

**Bee Diseases and Pests Control
(Scotland) Order 2007 (SSI 2007/506)**

14:18

The Convener: I am sure that we have all read the order with great interest. I admit that the bits about the queen bees and the bumblebees made me sit up.

Are members content to ask the Scottish Government to explain the legal basis for the provision made in articles 17 and 18 of the order, given that the parent act—the Bees Act 1980—does not expressly confer such power?

Members *indicated agreement.*

**Remote Monitoring Requirements
(Prescribed Courts) (Scotland) Revocation
Regulations 2007 (SSI 2007/508)**

**Business Improvement Districts
(Scotland) Amendment Regulations 2007
(SSI 2007/510)**

The committee agreed that no points arose on the instruments.

Instrument Not Laid Before the Parliament

**Act of Adjournal (Criminal Procedure
Rules Amendment No 6) (Criminal
Proceedings etc (Reform) (Scotland) Act
2007) 2007 (SSI 2007/511)**

14:19

The committee agreed that no points arose on the instrument.

The Convener: This meeting might turn out to be the shortest on record. Before I close it, I remind members that the next meeting of the committee will be held a week hence at 2.15 pm.

I also remind members that there will be an informal meeting with Scottish Government officials about the committee's inquiry after the substantive meeting. I suggest that we start our pre-meeting early next week in order to discuss potential lines of questioning.

Meeting closed at 14:20.

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Wednesday 28 November 2007

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