

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 8 January 2008

Session 3

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## SUBORDINATE LEGISLATION COMMITTEE

### 1<sup>st</sup> Meeting 2008, 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 :

Judith Morrison (Legal Adviser)

#### 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 8 January 2008*

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

**The Convener (Jamie Stone):** Good afternoon. I welcome everyone to the committee's first meeting of 2008. I wish each and every one of you around the table and in the room a very happy new year—all the best for 2008.

We have received apologies from Jackson Carlaw. I ask everyone to turn off their mobile phones—I have even turned off my own, which is something that I am apt to forget.

### Scottish Government Responses

14:15

**The Convener:** Following our last meeting, on 18 December, we wrote to the Scottish Government about three Scottish statutory instruments, and members have seen the responses. We will go through them one by one.

#### **Emergency Workers (Scotland) Act 2005 (Modification) Order 2008 (Draft)**

**The Convener:** Are we satisfied with the response that was received? If so, are we content to draw the draft order to the attention of the lead committee and Parliament on the basis that an explanation was sought from and provided by the Scottish Government?

**Members indicated agreement.**

#### **Infant Formula and Follow-on Formula (Scotland) Regulations 2007 (SSI 2007/549)**

**The Convener:** Rather than reading everything out, I will simply draw the committee's attention to points (a) to (e) in the summary of recommendations. However, I will leave out one part of recommendation (c) as it is set out in the summary. The recommendation begins:

"in relation to regulations 25 and 28, the meaning or effect of the drafting of the provisions could have been clearer",

and we will just leave it at that. Is that all right? Are members content with the recommendations?

**Members indicated agreement.**

**Ian McKee (Lothians) (SNP):** I have a question about paragraph (b) in the summary of recommendations. The point is that the names under which the products are sold are in English in the regulations. Is that right?

**Judith Morrison (Legal Adviser):** Yes.

**Ian McKee:** Does that cover packaging produced in this country that is sold in countries where English is not the language?

**Judith Morrison:** I think that the regulations before us relate to marketing in Scotland. They are restricted to that extent.

#### **Foot-and-Mouth Disease (Export and Movement Restrictions) (Scotland) (No 2) Regulations 2007 (SSI 2007/552)**

**The Convener:** Are members content with the response that has been received and to draw the regulations to the attention of the lead committee and Parliament on the grounds that are set out in the summary of recommendations, which I shall not read out?

**Members indicated agreement.**

## Draft Instruments Subject to Approval

### Management of Offenders etc (Scotland) Act 2005 (Members' Remuneration and Supplementary Provisions) Order 2008 (Draft)

14:17

**The Convener:** Are members content to ask the Scottish Government for an explanation of points (a) and (b) as set out in the summary of recommendations?

*Members indicated agreement.*

**The Convener:** We are running for a record at this meeting, you know.

### Housing (Scotland) Act 2006 (Prescribed Documents) Regulations 2008 (Draft)

**The Convener:** Are members content to ask the Scottish Government for an explanation of the matters that are set out in the summary of recommendations?

*Members indicated agreement.*

## Instruments Subject to Annulment

### Inquiries (Scotland) Rules 2007 (SSI 2007/560)

14:18

**The Convener:** Are we content to ask the Scottish Government for an explanation of points (a) to (c) as set out in the summary of recommendations?

*Members indicated agreement.*

### Foot-and-Mouth Disease (Export Restrictions) (Scotland) (No 2) Regulations 2007 (SSI 2007/562)

**The Convener:** Are we satisfied with the explanation that was provided by the Scottish Government in relation to the breach of the 21-day rule and of the rule that instruments should be laid before the Parliament before they come into force?

*Members indicated agreement.*

**The Convener:** Are we content to ask the Scottish Government for an explanation of the issue that is set out in the summary of recommendations?

*Members indicated agreement.*

### Public Contracts and Utilities Contracts (Scotland) Amendment Regulations 2007 (SSI 2007/565)

**The Convener:** Are we satisfied with the explanation that was offered by the Scottish Government for the breach of the 21-day rule? Are we content to ask the Scottish Government the questions that are set out in paragraphs (a) to (c) in the summary of recommendations?

*Members indicated agreement.*

### Scottish Police Services Authority (Staff Transfer) (No 2) Order 2007 (SSI 2007/576)

**The Convener:** I should point out that the order was dealt with just before the Christmas break. Subsequently, our advisers have received fairly full explanations. It might be as well, however, still to pose our questions, for the purpose of getting the questions and responses on the record. We have had some reassurance that the situation is fairly satisfactory, but we should ask the questions for the sake of being accurate and having the answers on the record. Would members be content with that?

*Members indicated agreement.*

**The Convener:** Therefore, I must pose the question. Are members content to ask the Scottish Government the questions as set out in paragraphs (a) to (c) in the summary of recommendations?

*Members indicated agreement.*

**Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007 (SSI 2007/577)**

**The Convener:** Are we content to ask the Scottish Government for an explanation of the matters that are set out in the summary of recommendations?

*Members indicated agreement.*

**Licensing (Transitional and Saving Provisions) (Scotland) Amendment Order 2007 (SSI 2007/573)**

**Gambling Act 2005 (Review of Premises Licences) (Scotland) Amendment Regulations 2007 (SSI 2007/574)**

**Housing (Scotland) Act 2006 (Penalty Charge) Regulations 2007 (SSI 2007/575)**

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

**Instruments Not Laid Before the Parliament**

**Protection of Vulnerable Groups (Scotland) Act 2007 (Commencement No 2) Order 2007 (SSI 2007/564)**

**Local Electoral Administration and Registration Services (Scotland) Act 2006 (Commencement No 3 and Transitional Provision) Order 2007 (SSI 2007/566)**

**Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Amendment Regulations 2007 (SSI 2007/567)**

**Crofting Reform etc Act 2007 (Commencement No 2) Order 2007 (SSI 2007/568)**

14:20

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

**The Convener:** Members will have noticed from the summary of recommendations that we are doing things slightly differently this week. At this point, we conclude our consideration of instruments. However, members will note from the annex to the summary of recommendations that minor points that arise in relation to SSI 2007/562, SSI 2007/564 and SSI 2007/567 will be raised informally with the Scottish Government. Are members content for us to proceed in that way?

*Members indicated agreement.*

**The Convener:** That concludes the meeting. Our next meeting will be on Tuesday 15 January at 11.30 am—note the revised time—when we will take oral evidence from the Minister for Parliamentary Business in relation to our regulatory framework inquiry. We need to consider how to deal with the instruments that come before us for that meeting. We could do so before the meeting or we could have a gap and do it in the afternoon—I am aware that there is a party group meeting during lunch time. Is it all right if the clerks come back to us on that issue?

*Members indicated agreement.*

**The Convener:** They will try to be as accommodating as ever.

*Meeting closed at 14:22.*



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**Tuesday 15 January 2008**

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